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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Second periodic reports submitted by States parties under articles 16 and 17 of the Covenant

Addendum

FRANCE *, **

[30 June 2000]

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* The initial reports concerning rights covered by articles 6 to 9 (E/1984/6/Add.11), 10 to 12 (E/1986/3/Add.10) and 13 to 15 (E/1982/3/Add.30) submitted by the Government of France were considered by the Expert Working Group of the Economic and Social Council and by the Committee on Economic, Social and Cultural Rights in 1985 (see E/1985/WG.1/SR.5 and 7; E/1982/3/Add.30 and Corr.1), in 1986 (see E/1986/WG.1/SR.18,19 and 21; E/1984/6Add.11) and in 1989 (see E/C.12/1989/SR.12 and 13; E/1986/3/Add.10).

** The information submitted in accordance with the consolidated guidelines concerning the initial part of reports of States parties is contained in the core document HRI/CORE/1/Add.17/Rev.1.

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INTRODUCTION

1. The French Government does not consider it necessary in this document to address the question of equality between men and women, as that is the subject of a specific convention on which France has just completed a report. The issue was also examined from several viewpoints during the oral presentation of France's report to the Human Rights Committee in July 1997 in connection with the International Covenant on Civil and Political Rights.

2. The framework and incentive law on the reduction of the working week, known as the "thirty-five hour law", is not yet ready to be discussed in detail. The aim of this law is to stimulate job creation by reducing the working week to thirty-five hours, beginning on 1 January 2001 for enterprises with over twenty employees and on 1 January 2002 for those with fewer than twenty employees. Its effective application is geared to the negotiation of branch agreements between trade unions - whose role is thereby enhanced - and employers, and also to State grants, which increase the sooner the law is applied and jobs are created. The Government will provide a detailed account of this reform and its application at a later stage during the presentation of its report.

3. The framework law of 29 July 1998 concerning measures against exclusion shows clearly that France is committed to fulfilling its obligations under the Covenant on Economic, Social and Political Rights on the basis of guaranteed access to fundamental rights. This law guarantees universal access to work, housing and healthcare, and establishes the right to equality of opportunity in education and culture. It embodies France's commitments, undertaken at the World Summit for Social Development in Copenhagen in 1995, to take firm steps at the national level towards the elimination of extreme poverty, and to promote social integration and participation among all members of society. It concerns all aspects of society, and will be discussed in this report under the relevant articles of the Covenant. Measures to prevent exclusion are an overriding national requirement deriving from respect for the equal dignity of all human beings, and are accorded priority in every sphere of national policy. The above-mentioned law aims to guarantee everyone on French territory effective access to their fundamental rights in the areas of housing, health protection, justice, education, training, culture and family and child protection (article 1).

Article 1

4. Even prior to its ratification of the International Covenant on Economic, Social and Cultural Rights, the French Republic had both constitutionalized and brought into effect the concept of peoples' right to self-determination. The preamble to the Constitution of 4 October 1958 states:

"The French people solemnly proclaim their attachment to the Rights of Man and the principles of national sovereignty as defined by the Declaration of 1789, as confirmed and complemented by the Preamble to the Constitution of 1946.

By virtue of these principles and that of the self-determination of peoples, the Republic offers to the overseas territories that express the will to adhere to them new institutions founded on the common ideal of liberty, equality and fraternity and conceived with a view to their democratic development".

5. Where France is concerned, the right of peoples to self-determination finds particular application in respect of the various overseas territories. The Constitution of 1958 establishes the indivisible character of the State, and recognizes only a French people that comprises all French citizens, without distinction regarding origin, race or religion (article 1 of the Constitution provides that the Republic "[...] ensure the equality of all citizens before the law, without distinction of origin, race or religion"). Since 1946 the citizens of four overseas departments (French Guiana, Guadeloupe, Martinique and Reunion), two overseas territories (French Polynesia, Wallis and Futuna), New Caledonia, and two territorial collectivities with special status (St Pierre and Miquelon, Mayotte) have enjoyed all the rights accruing to those in possession of French nationality and citizenship. Each of these collectivities is represented in France's two parliamentary assemblies, and the citizens who reside in them participate in the elections for President of the Republic and in referendums, and elect their local assemblies by universal suffrage.

6. The Constitution of 1958 also contains a number of provisions that recognize the right to self-determination of the peoples in the departments and territories overseas. In Decision No. 87-226 DC of 2 June 1987 (law concerning the holding of a referendum for the communities of New Caledonia), the Constitutional Council specifically referred to the above-mentioned provisions of the Preamble to the Constitution as being applicable to the overseas territories. Moreover, article 53 of the Constitution states: "Treaties[...] that involve the cession, exchange or addition of territory may be ratified or approved only by virtue of an Act of Parliament" and "No cession, exchange or addition of territory shall be valid without the consent of the population concerned". The effect of these provisions is to ban any exchange, cession or addition of territory that is not ratified by a consultation of the communities concerned.

7. Mention should also be made of the historical importance of the preamble to the Constitution of 27 October 1946, to which the 1958 Constitution refers and which has full constitutional force. It states: "Faithful to her traditional mission, France intends to lead the people under her care towards the aim of self-administration of their affairs according to democratic principles. Rejecting any system of colonialization founded on arbitrary rules, France guarantees everyone equal access to public functions and the individual or collective rights or liberties proclaimed or affirmed above". The same text affirms: "The French Republic, faithful to its traditions, shall observe the rules of public international law. France will not engage in any war of acquisition and will never use its forces against the liberty of any people". Finally, "France forms with the peoples from the overseas territories a union founded on equal rights and duties, without distinctions based on race or religion".

8. Lastly, three articles of the Constitution concern the territorial organization of the State, two of them relating specifically to the overseas collectivities.

Article 72 provides that "The territorial collectivities of the Republic shall be the communes, the departments and the overseas territories. [...] These collectivities shall be self-governing through elected councils and in the manner provided by the statute".

Article 73 provides that "Measures may be taken to adapt the legislative system and administrative organization of the overseas departments to their particular situation".

Article 74 states: "The overseas territories of the Republic shall have a particular form of organization which takes account of their own interests with due regard for the interests of the Republic. The bodies of rules governing the overseas territories shall be established by institutional Acts that define, inter alia, the jurisdiction of their own institutions; they shall be amended in accordance with the same procedure after consultation with the territorial assembly concerned. Other provisions concerning their particular form of organization shall be defined and amended by statute after consultation with the territorial assembly concerned".

9. Furthermore, article 75 of the Constitution states that "Citizens of the Republic who do not have ordinary civil status, the only one referred to in article 34, shall retain their personal status so long as they have not renounced it". This provision enables the citizens of overseas collectivities where traditional law still governs civil status to retain their entitlement to such status without being obliged to renounce it.

10. Thus, in French constitutional law the right of peoples to self-determination has two separate aspects:

a) The right of the peoples of the overseas departments and territories freely to leave the Republic and not to be compelled to leave it.

b) The right of the peoples of the overseas departments and territories to self-administration within the Republic.

I. GUARANTEE OF THE RIGHT OF PEOPLES IN THE OVERSEAS DEPARTMENTS AND TERRITORIES FREELY TO LEAVE THE TERRITORY OF THE REPUBLIC

A. Cession of territory by treaty between the Republic and another state

1. Article 53 of the Constitution (cited above)

11. Ratification by the President of the Republic of a treaty involving cession of territory must be authorized by a law that has itself been adopted either by Parliament or through a referendum. In order to comply with the Constitution, such a cession must be preceded by a consultation of the population concerned. The Council of State has ruled (CE Ass. 27 June 1958, *Georger et Teivassigamany*, concerning a provision of the Constitution of 27 October 1946 drafted in the same terms as the current article 53) that a consultation of the population concerned constitutes the compulsory first step in the adoption of any law authorizing ratification of a treaty concerned with the cession of territory. As a rule, such a consultation must be based on a referendum held by universal suffrage in accordance with common electoral law, especially as regards the rules on the freedom and confidentiality of voting.

12. By Decision No. 87-226 of 2 June 1987 (law concerning the holding of a referendum for the communities of New Caledonia) the Constitutional Council held that such consultations must fulfil the double requirement of clarity and fairness, such that the question put to electors

leaves no room for ambiguity. In particular, the consultation may address either independence or continuation as part of the Republic, no other issues being permitted.

2. Instances of territorial cession under the Fifth Republic

13. Leaving aside the question of changes to the Republic's land borders, which do not involve transfers of population, the only case of a treaty of cession has been that involving the French settlements in India (Mahe, Yanam, Karaikal and Pondicherry) which at the time formed an overseas territory. Act No. 62-862 of 28 July 1962 authorized ratification of the treaty signed on 28 May 1956 in New Delhi by France and India and published by Decree No. 62-1238 of 25 September 1962. The treaty was approved by the territory's representative assembly and by the municipal councils concerned; it guarantees these former settlements special status within the Indian Union.

B. Sole instance of territorial integration under the Constitution of 4 October 1958: the islands of Wallis, Futuna and Alofi

14. The inhabitants of these islands, consulted pursuant to the provisions of Decree No. 59-1364 of 4 December 1959, cast 94.36% of their votes (voter turnout 97.2%) in favour of adopting the status of overseas territory of the Republic. Subsequently, Wallis and Futuna became an overseas territory in accordance with Act No. 61-814 of 29 July 1961.

C. Cases of secession

15. Article 1 of the draft Constitution submitted to a referendum on 28 September 1958 provided for the creation of a French Community embracing the Republic and the overseas territories that adopted the Constitution; the Community was "founded on the equality and solidarity of its constituent peoples". In the referendum, which was open to all adult French citizens of both sexes, all the French overseas territories voted in favour of the draft Constitution by large majorities, with the exception of Guinea. The latter's non-acceptance triggered its full and immediate independence.

16. The remaining overseas territories were then allowed four months, dating from the promulgation of the Constitution, to select one of the following options, in accordance with its articles 76 and 91:

a) Preserve the status of overseas territory;
b) Become a member state of the French Community;
c) Become an overseas department (DOM).

17. None of the overseas territories opted to become a DOM. The overseas territories on the African continent (Côte d'Ivoire, Congo, Oubangui-Chari, Senegal, Mali, Niger, Chad, Dahomey, Mauritania and Upper Volta) chose to become member states of the French Community. St Pierre and Miquelon, New Caledonia, French Polynesia, French Somaliland and The Comoros opted to maintain their status as overseas territories.

18. The choice of status offered to the overseas territories was debated by each of the territorial assemblies concerned. It will be recalled that each assembly had previously been elected by universal suffrage and by a single constituency (i.e. without any distinction between electors as

to their origin, single constituency voting was introduced in the overseas territories by framework law 56-619 of 23 June 1956).

19. The territories which became Community member states were granted broad autonomy, with the Community's jurisdiction being limited to foreign policy, defence, the currency, a common economic and financial policy and policy on strategic matters and, except for special agreements, control of justice, higher education, external and public transport and telecommunications.

20. The Community member states acceded to international sovereignty in 1960 by signing agreements with France to that effect, articles 85 and 86 of the 1958 Constitution having been amended by Constitutional Act No. 60-525 of 4 June 1960 in order to make this possible.

21. It should be noted that, although the overseas departments were not required to choose a different status within the Republic, their electors overwhelmingly endorsed the Constitution in the referendum of 28 September 1958.

22. Once the time limit for making a selection under articles 76 and 91 of the Constitution had expired on 4 February 1959, the status of the overseas collectivities within the Republic could not, in theory, be challenged without amending the Constitution. However, faced with the wish of certain communities to accede to independence, the French authorities invoked an interpretation of the Constitution that allowed several overseas territorial collectivities to secede.

23. Thus, the populations of the Algerian departments were asked to express their opinion on Algeria's future political relationship with the French Republic. The right of the Algerian communities to choose their own destiny was confirmed by Act No. 61-44 of 11 January 1961 concerning self-determination for the Algerian communities and governmental organization in Algeria, which was endorsed by the French people in a referendum held on 8 January 1961. On 1 July 1962, the electors of the Algerian departments voted overwhelmingly (99.72% of votes cast, turnout 91.8%) to establish Algeria as an independent State.

24. Following the emergence of claims for independence, the communities of the overseas territory of French Somaliland were asked to express their opinion on 19 March 1967 (pursuant to Act No. 66-949 of 22 December 1966 concerning the holding of a referendum for the population of French Somaliland) as to whether they wished their territory to accede to independence or to remain a French territory with a renewed governmental and administrative statute. 60.5% of the electorate voted to remain a part of the French Republic. Participation in the ballot on self-determination was confined to electors who had resided in the territory for at least three years.

25. Following that referendum, the territory was renamed "French Territory of the Afars and Issas" and granted wider autonomy under Act No. 67-521 of 3 July 1967. Another referendum was then held on 8 May 1977 in accordance with Act No. 76-1221 of 28 December 1977. Again, the electorate was confined to those who had lived in the territory for at least three years. The vote overwhelmingly favoured independence. As a result, the Republic of Djibouti acceded to international sovereignty on 27 June 1977.

26. The Comoros archipelago, an overseas territory since 1946, achieved extended self-government under Act No. 61-1412 of 22 December 1961, later supplemented by Act No. 68-4

of 3 January 1968. In a referendum held on 22 December 1974, the population voted for independence, in accordance with Act No. 74-965 of 23 November 1974. The islands of Grand Comore, Anjouan and Mohéli were overwhelmingly in favour of independence. However, the electors of Mayotte opted to remain a French dependency, by 63.81% of the votes cast. Act No. 75-1337 of 31 December 1975 concerning the consequences of self-determination for The Comoros recognized the independence of Grand Comore, Anjouan and Mohéli, and also authorized the holding of a new referendum for the population of Mayotte on the issue of its remaining a French dependency and, subject to that being confirmed by the electors, its status.

27. The Constitutional Council's examination of the text of that act resulted in its Decision No. 75-59 of 30 December 1959, which clarified the procedures for territorial secession. Firstly, the Council accepted for the first time that territorial secession was constitutional. Secondly, it went on to state that the term "territory" did not apply solely to the "overseas territories"; thus Mayotte, being a territory, could not leave the Republic without the consent of its population, although the overall population of the Comoros territory had voted in favour of independence. Finally, the Council found that declaration of a territory as a part of the Republic was only possible within the framework of the French Constitution, notwithstanding any intervention by an international authority. The Council held that the provisions of the Act before it did not contravene any rule of international law. On 8 February 1976, the population of Mayotte voted to remain French by 99.34% of votes cast, the turnout being 83.34%.

II. The status of the overseas territorial collectivities within the Republic

A. Common legislation

28. As mentioned above, all French nationals enjoy, throughout the territory of the Republic, all the rights and freedoms attached to the status of citizen. There is no legal difference, and no kind of discrimination, between citizens of metropolitan France and those of the overseas collectivities. The latter vote to elect the President of the Republic and are represented in the National Assembly and the Senate. They vote to elect the French representatives to the European Parliament. Their French nationality makes them citizens of the European Union as stipulated in the Treaty on European Union.

29. For these overseas citizens, there is no restriction of any kind on movement between the overseas collectivities and metropolitan France.

30. The provisions of article 72 of the Constitution relating to self-government of territorial collectivities by elected councils apply ipso jure to the overseas territorial collectivities. In particular, Governmental supervision of local authority actions has given way, as on the mainland, to straightforward checks on lawfulness exercised through the administrative courts.

B. The overseas departments

31. It has already been mentioned that, in the case of Algeria, having the status of overseas department did not hinder the accession to independence.

32. The four current overseas departments achieved their status through the Act of 19 March 1946, in conformity with a request made by their deputies to the National Constituent Assembly. The status of these departments is now governed by articles 72 and 73 of the Constitution. Relations between them and metropolitan France are governed by the principle of

assimilation - metropolitan laws apply ipso jure in the collectivities, subject to the adaptive measures necessitated by their particular situation. Such measures concern fields as varied as the treatment of foreigners, tax law, State ownership of water and land, mining regulations, forestry law and social legislation.

33. At the institutional level, the DOMs are organized in the same way as the metropolitan departments. The departmental council (Conseil général) regulates departmental matters by its decisions. It is elected for six years by direct universal suffrage on a majority basis over two rounds, with one candidate being returned for each represented constituency, called a canton. The council's president constitutes the department's executive authority and supervises the officials of the collectivity. As in metropolitan France, each department is empowered to manage areas such as schools, highways, social security, public amenities and departmental property. In accordance with Decree No. 60-406 of 26 April 1960, the councils of the overseas departments must be consulted on any draft laws and decrees whose purpose is to adapt the legislation or administrative organization of DOMs to their particular situation. They may independently submit to the Government any proposal for introducing special measures justified by the particular situation of the DOMs.

34. Since 1983, each of the overseas departments has also constituted an overseas region administered, as in metropolitan France, by a regional council elected through direct universal suffrage on a single-constituency basis, using list-based proportional representation. The president of the regional council is the executive authority of the region and supervises its officials.

35. The overseas regions, like the metropolitan ones, are responsible for economic activities, secondary schools, tourism, the environment, culture, planning, development, agriculture, marine and mining resources, and regional languages and culture. They also have more deep-seated responsibilities in certain areas: the Government of the Republic must consult them if it intends to undertake international commitments that will entail regional co-operation in the economic, social, technical, scientific and cultural spheres, or the exploration, use, conservation or management of biological or non-biological resources in restricted economic areas off the coasts of the region concerned. Each regional council may also submit to the Government proposals for amending or adapting the legal or regulatory provisions in force or in preparation, and proposals relating to the region's economic, social and cultural development.

C. The territorial collectivity of St Pierre and Miquelon

36. The islands of St. Pierre and Miquelon have around six thousand inhabitants. Since the entry into force of Act No. 85-595 of 11 June 1985, the archipelago has been a territorial collectivity with special status. French law applies ipso jure to St. Pierre and Miquelon, except in the fields of taxation, customs arrangements, town planning and shipping registration, which are the responsibility of the local authorities.

37. A general council, elected by direct universal suffrage for six years by a voting system that combines election on a majority basis with proportional representation, regulates the archipelago's affairs through its deliberations; its president is the executive authority of the collectivity. Apart from its responsibility for taxation, customs, town planning and shipping registration, which, in the metropolitan context, are matters for Parliament, St. Pierre and Miquelon exercises the jurisdiction handed down to departments and regions under ordinary law.

D. The territorial collectivity of Mayotte

38. The current status of the territorial collectivity of Mayotte was established by Act No. 76-1212 of 24 December 1976 concerning the administration of Mayotte. This territorial collectivity is governed by a general council elected for six years by direct universal suffrage, under the same conditions as for departmental general councils. The French Government is represented by a Prefect who conducts the affairs of the collectivity and is its executive authority. He supervises its officials. Mayotte is subject to special legislation: new laws are only applicable under explicitly defined circumstances.

39. On 11 April 1976, 80% of the electors of Mayotte expressed their wish to see the island become an overseas department - an option on which they were not being asked to vote - by returning spoilt ballot papers. Act No. 76-1212 of 24 December 1976, which was intended as a transitional instrument, established Mayotte as a territorial collectivity of the Republic. Its first article made provision for the population to be consulted on the question of changing Mayotte into a department or adopting a different status. The waiting period for the consultation was extended to five years by article 2 of Act No. 79-1113 of 22 December 1979.

40. In 1996, the President of the Republic pledged himself to holding a referendum by the end of the decade. The negotiations that followed led to the conclusion of an agreement in Paris on 4 August 1999, which was then submitted to the island's general council and municipal councils. Having gained the approval of 14 out of 19 general councillors and 16 out of 17 communes, the agreement was formally approved on 27 January 2000 in Paris. The agreement on Mayotte's future provides for the establishment of a "departmental collectivity" as an entity sui generis which will reflect the island's specific characteristics but not constitute a department. This collectivity will succeed the current territorial collectivity over an interim period lasting until 2010. The population of Mayotte will be asked to vote on this agreement by 31 July 2000. If they approve the agreement, its contents will be used as the basis for a draft law on the statute of Mayotte to be submitted to Parliament before the end of 2000.

41. Since 1976, and especially since 1989, a number of laws have been passed as part of a significant effort to bring the legislation applicable to Mayotte into line with that of metropolitan France.

42. The rules governing the status and capacity of Mayotte's population derive basically from the Koran, and are protected under article 75 of the Constitution.

E. The overseas territories

43. The overseas territories of French Polynesia and Wallis and Futuna are currently governed by the provisions of article 74 of the Constitution. The Southern and Antarctic Territories, which have no permanent population, are not the concern of this study.

44. The status of the overseas territories is characterised by the high degree of autonomy granted to them as collectivities. The State exercises only residual authority in them, with the territorial authorities being responsible for ordinary jurisdiction. Constitutional Council Decision No. 65-34 L of 2 July 1965 permits, in the overseas territories, local derogations from the constitutional provisions that determine which matters are exclusively reserved for the French Parliament and which may be regulated locally. On matters not thus defined as under

the State's authority, each territorial assembly may adopt provisions which, in the departments, would fall within the remit of Parliament. Nevertheless, these assembly decisions remain of a regulatory nature, and are subject to review by the administrative courts.

45. The overseas territories are also subject to the legislative speciality rule. Parliamentary acts, except where they apply ipso jure to the entire territory of the Republic (constitutional laws, laws governing the operations of the institutions and courts whose jurisdiction extends over the territory of the whole Republic), do not apply in the overseas territories except under explicitly defined circumstances. The rule also covers laws that amend provisions contained in the legislation previously declared applicable in the territories.

46. Since the revision of article 74 of the Constitution by Constitutional Act No. 92-525 of 25 June 1992, the statute of each overseas territory, which must, inter alia, define the jurisdiction of its institutions, has been determined by means of an organization act. Organization acts are adopted by a special procedure, different from that applicable to ordinary laws, which both formally guarantees their conformity with the Constitution and indicates the importance that the Government attaches to them.

47. In addition, article 74 of the Constitution provides that the laws relating to "the individual organization" of the overseas territories, namely those which, according to the interpretation placed on that term by the Constitutional Council, contain provisions specific to those territories, can not be adopted without prior consultation of the territorial assemblies concerned. Failure to consult a territorial assembly when so required constitutes grounds for a claim of unconstitutionality, which may be brought, contrary to the law in question, before the Constitutional Court (Decision No. 80-122 DC of 17 October 1980: Law on the Code of Criminal Procedure in the Overseas Territories; continuous jurisprudence since that time).

48. Furthermore, the Constitutional Council has ruled on the constitutionality of the provisions relating to the election of territorial assemblies in the overseas territories. In its judgement (Decisions Nos. 85-196 DC of 8 August 1985 and 85-197 DC of 23 August 1985: act relating to the development of New Caledonia) the assemblies of the overseas territories must be elected on an essentially demographic basis and that they should have "effective powers".

1. French Polynesia

49. The statute of French Polynesia derives from Organization Act No. 96-312 of 12 April 1996 and from Act No. 96-313 of 12 April 1996 substantiating the autonomous status of French Polynesia, both of which grant the territorial authorities extensive internal autonomy. As a result, the State's jurisdiction is confined to the following areas:

a) External relations, including finance and trade, but excepting quantitative import restrictions, the annual import programme and the rules governing foreigners, the rules governing direct foreign investment projects, customs arrangements relating to the import and export of goods, and veterinary and plant-care regulations;
b) Control of aliens' entry and length of stay, without prejudice to certain territorial powers;
c) Sea and air services between French Polynesia and other parts of the French Republic, on the basis of advice from the government of French Polynesia; postal and telecommunications contacts concerning the governmental matters, defence and security; radio frequency regulation;

d) Currency, credit, exchange and public revenue;
e) Defence; the import, trade and export of all kinds of military equipment, weapons and ammunition; strategic raw materials as defined in respect of the entire territory of the Republic;
f) Maintenance of public order, subject to a requirement to inform the president of the territory's Council of Ministers of all measures taken; policing and security with regard to air and sea traffic; preparation of safety measures, formulation and implementation of the operational assistance needed to deal with hazards and disasters, co-ordinating the resources of emergency relief services;
g) Nationality: legislation affecting civil status; civil law, excluding civil procedure and the regulations concerning co-operation and mutuality; guaranteeing civil liberties; basic principles of trade obligations; general principles of labour law;
h) Justice, organization of the judiciary, costs of the criminal and appeals courts and the police; official tribunals, the public prison service, criminal procedure excluding the regulations concerning the release under supervision of minors;
i) The State civil service;
j) Communal administration;
k) Higher education and scientific research, without prejudice to the possibility for French Polynesia to organize its own training courses and research services; the regulations applicable to approved staff members from private educational establishments who are under contract to teach for local authorities, and who are to be extended the same conditions as permanent governmental staff, particularly with regard to conditions of service, termination of employment, social measures, training and promotion;
l) Radio and television, in consistency with Polynesian cultural identity, without prejudice to the work of the French Broadcasting Authority (Conseil superieur de l'audiovisuel) French Polynesia is allowed to establish a production company to broadcast programmes of a social, cultural and educational nature.

50. The territorial authorities have jurisdiction over all other matters. The Government of French Polynesia is responsible to the territory's assembly, which is elected for five years by direct universal suffrage under a system of proportional representation. It may be involved in the conclusion of international agreements that affect the territory.

51. The territory is free to establish separate insignia allowing it to indicate its own personality alongside the emblems of the Republic.

52. Following the Nouméa Agreement of 5 May 1998 and the constitutional amendment of 20 July 1998 relating to New Caledonia, the President of the Republic and the Prime Minister decided to change the Constitution so as to reflect the new level of autonomy achieved by French Polynesia. A draft constitutional act adopted by both assemblies grants constitutional recognition of French Polynesia's new status of "overseas country" (pays d'outre-mer) and its strengthened autonomy. This law states that French Polynesia will govern itself freely and democratically.

53. With the exception of the sovereign tasks that will continue to be exercised by the State, "overseas country" status allows additional State functions to be transferred to French Polynesia. Polynesian citizenship will be introduced with the object of ensuring that Polynesians are the main beneficiaries of social and economic development. It will give them specific advantages regarding access to employment, right of establishment for the purpose of

exercising an economic activity, and land ownership. An organization act will determine the terms for approval of Polynesian citizenship, in particular the required minimum period of residence in the territory, which must be reasonable. By contrast with New Caledonia, this citizenship will not affect the electorate, which will still be governed by ordinary law.

54. The French Polynesian Assembly will enjoy increased powers emanating from the devolution of powers and the freedom to pass acts - the "laws of the land" - which will have legislative force and will be scrutinized by the Constitutional Council before promulgation. The organization act will also define the rules governing the organization and functioning of institutions, in particular the Assembly.

55. External relations will remain a responsibility of State, but French Polynesia will intervene more actively in international affairs and will also become more closely involved with its region, mainly through enhanced relations with the Pacific states.

56. The new relationship between the State and French Polynesia will be clarified once the constitutional process is complete. The draft organization act defining French Polynesia's new statute can not be brought before Parliament until after the draft constitutional amendment has been adopted by Congress (meeting of the two Parliamentary assemblies).

2. Wallis and Futuna

57. The inhabitants of these islands voted in 1959 to change their status to overseas territory, which was granted to them by Act No. 61-814 of 28 July 1961. The territory is administered by a Prefect appointed by the French Government, assisted by a council whose role is mainly advisory. A territorial assembly, elected for five years by proportional representation, regulates the territory's affairs by its decisions.

58. The State is responsible for defence, public order and safety, external relations and communications, education, public records, public finances and customs, administrative and financial control, public hygiene and health, and judicial administration. The territorial authorities are responsible for all other matters. The Act of 28 July 1961 establishes a special place for the customary traditional authorities in the territory's institutions. Accordingly, the three traditional chiefs are members of the territorial council.

F. New Caledonia

59. New Caledonia is an overseas territorial collectivity sui generis. Its current status derives from the Organization Act of 19 March 1999, following on from the Act of 9 November 1988 giving legal effect to the Matignon Accords. The agreement on the future of New Caledonia, signed at Nouméa on 5 May 1998 by representatives of the territory's two main political communities and the Government, necessitated a constitutional amendment which was brought about by the Constitutional Act of 20 July 1998. The agreement was approved by the population concerned on 8 November 1998.

60. The Act of 19 March 1999 on New Caledonia was based on the provisions of the Nouméa Agreement. In particular, it provides for considerable and irreversible transfers of jurisdiction to New Caledonia, which will be implemented gradually. The main points are:

1. Full recognition of the Kanak identity

61. The main features are the clarifying of customary law status (provisions allowing a return to customary civil status) and its relationship to the civil law status of persons under ordinary law. Customary lands are defined and are inalienable, non-transferable, non-commutable, and not liable to seizure. Customary land tenure shall be defined for the purpose of promoting land development.

62. The traditional world is granted extended representation through the establishment of a Customary Senate and customary councils.

2. Substantial devolution of powers to New Caledonia

63. A large number of State functions will be transferred to the institutions of New Caledonia. These transfers are irreversible and will be phased in gradually. The first of them took place on 1 January 2000. Others will be introduced, subject to decisions of the territory's elected representatives, between 2004 and 2014.

64. Certain powers are the subject of dialogue between the State and New Caledonia, while others are exercised jointly. This applies particularly to international and regional relations, the entry and residence regulations for foreigners, and international air transport.

65. In 1999, New Caledonia assumed observer status at the Pacific Forum.

66. The deliberative assembly, the Congress, has the authority to promote access to employment for the citizens of New Caledonia and for persons who have fulfilled a certain residence requirement, without risk that the benefits thus gained will be undermined.

67. The State remains responsible for the exercise of sovereign powers, namely international relations (see above), justice, public order, defence, the currency, credit and foreign exchange. The State is represented by a high commissioner.

3. Introduction of new institutions

68. The provinces set up under the referendum act of 1988 have been strengthened in their status as collectivities enjoying ordinary jurisdiction.

69. New Caledonia has its own executive (the High Commissioner having exercised this power since 1988) in the form of a government elected by Congress, through list-based proportional representation, and responsible to it. The government administers the affairs within its jurisdiction on a joint and collegial basis.

70. The types of act passed by the Congress will have local legislative force - the "laws of the land" will be submitted to the Council of State prior to adoption, and may only be disputed by submission to the Constitutional Council prior to publication.

4. Definition of Caledonian citizenship

71. Caledonian citizenship is recognized as a part of French citizenship and nationality. It grants a restricted electorate, established on the basis of residence, the right to vote in the

elections for Congress and the provincial assemblies, and in the referendum(s) on accession to full sovereignty.

72. The Constitutional Council has introduced an interpretative reservation concerning the special electorate entitled to participate in elections for Congress and provincial assemblies: any person domiciled in New Caledonia for ten years may participate in the elections, regardless of the date of arrival on the territory.

73. In order to participate in the referendum(s) on accession to full sovereignty, which can take place after 2014 at the request of Congress, twenty years' residence will be required.

74. After the congressional and provincial assembly elections of 9 May 1999, which proved a success for the RPCR (Rally for Caledonia in the Republic) and the FLNKS (National, Kanak and Socialist Liberation Front), a government was formed on 28 May 1999 with Jean Leques, mayor of Nouméa, at its head. The Custom Senate was set up on 27 August 1999, and the appointment of the members of the Economic and Social Committee was set for 24 January 2000 by decision of the President of the Government of New Caledonia.

75. In compliance with the Nouméa Accord, an agreement concluded on 11 February 1999 authorized the transfer of 30% of the capital of SLN (Société Le Nickel) to a public body. In a parallel development, New Caledonia will take a 6% share in the capital of the ERAMET company. The New Caledonia Company for Share-holding and Investment has been formed for this purpose, thus also enabling Caledonians to contribute to the running of their country's main economic asset.

76. The new institutions established by the Nouméa Accord and the Organization Act of 19 March 1999 are now functional. The State is a partner in the Accord. It is responsible, together with the other two signatories, for monitoring compliance all aspects of the agreement throughout the process that has been initiated. The electors of New Caledonia will enjoy optimal conditions in which to dedicate themselves to the exercise of their new powers and to economic and social development. The spirit of responsibility and sharing which prevailed during the negotiations and facilitated the Nouméa Accord must now be maintained during the next 15-20 years of New Caledonia's administration.

Article 2

I. CO-OPERATION FOR DEVELOPMENT

77. In 1997, France contributed public development aid amounting to 37 billion francs, or 13.3% of the world total of such assistance. France's contribution of 0.45% of its GNP (the average being 0.22%) placed it at the head of the seven leading industrialized nations. To this amount can be added the 5 billion francs paid out as France's share of the EU co-operation budget.

78. This chapter will address particularly the French assistance and co-operation provided for the countries of sub-Saharan Africa, a matter in which France takes a special interest. The results of the reform of the French co-operation system begun on 1 January 1999 will be described in the next report. To date, French development aid has taken several forms.

A. Support for institutional development in states

79. The French Government attaches high priority to the development of institutions within States, and to that end has devised a new co-operation strategy whose pivotal concerns are:

a) Institutional support for States;
b) Protection of persons and property;
c) Training in citizenship;
d) Decentralization, envisaged as an additional asset to democracy and development.

80. The following measures demonstrate the French Government's commitment in the institutional sphere:

1. Support for the electoral process

81. The establishment of genuine rule of law presupposes that elections are held in accordance with the tenets of pluralism and transparency. However, in this area particularly, French assistance has always been based on the principle of non-interference and has taken place in a multilateral context. The French Government's support for Africa mainly comes in the form of expert advice, training and equipment provided during the preparatory stage of elections.

2. Support for civil service reform in Africa based on long-term measures with clear objectives

82. The French authorities contribute to civil service reform in Africa at two levels:

a) At national level, by formulating specific programmes for restructuring civil services and para-public organizations;
b) At regional level, through the centre for the monitoring of African civil services (OFPA), which promotes reflection and dialogue concerning the overall role and development of the civil service.

3. Support for the strengthening of judicial authorities and for the protection of persons and property

83. In addition to the assistance it provides to train magistrates and legal officials and to help introduce and disseminate legal reforms, the French Government also tries to improve conditions in prisons.

4. Strengthening of company law

84. French co-operation focuses particularly on supporting the institutions of the organization for the harmonization of company law in Africa (OHADA), which resulted from the treaty of the same name signed in October 1993. The organization's main task is to settle cases involving the application of company law, through a common court of justice and arbitration.

5. Implementation of co-operation projects relating to civil protection and the assurance of basic freedoms

85. The aim of these projects is to restore the effectiveness of police services by providing them with the means to maintain public order and ensure the democratic functioning of

institutions. The programme covers the training of specialized teams, with the emphasis on measures for tackling serious crimes.

86. In 1993, the French Government funded the establishment of a regional centre in Abidjan providing multidisciplinary training in methods to tackle drug trafficking. In the field of civil protection, fire-fighting services have been set up in the most populous cities, where there is an ever increasing need.

6. Support for citizen awareness and training

87. The emergence of active citizenship is one of the essential guarantees of a durable democracy. The aim of the co-operation France has provided in this sphere is to stimulate dialogue between States and citizens, facilitate all citizens' access to justice and promote the values relating to human rights.

88. Accordingly, the French Government lends financial support to public or private initiatives concerned with citizen awareness and training. It also supports associations or movements working to defend human rights or improve legal access on behalf of all sectors of the population, especially the underprivileged.

7. Support for devolution

89. Devolution programmes are an additional asset in the context of democratic development. The objective is to introduce decentralized organization into urban and rural areas in order to upgrade the local economic structure, thus creating the potential for new jobs, stabilizing the population and giving a boost to private enterprise.

90. To these ends, the French Government strives to strengthen local organizations and territorial collectivities, with the aim of spreading democracy to all levels of society.

91. In addition, it is helping develop links with the non-governmental organizations - vital co-operation partners for civil society - and with new players interested in devolved co-operation.

B. Assistance for economic development

1. Sustainable economic development in the environmental context

92. For a number of years, the productive economy of sub-Saharan Africa has been affected by a growing number of problems that seriously hamper sustainable development. The French Government's economic policy takes full account of these factors. Its objective is to help its partners:

a) Create favourable conditions for the investment which offers the only means of re-launching the African economy;
b) Regain national markets and restructure the production sector;
c) Organize rural production;
d) Reduce production cost factors;
e) Improve the management of natural resources and protect the environment.

93. In order to achieve these new objectives, French co-operation has put in place comprehensive mechanism for developing private enterprise, and which is intended to take ove from public investment. This system (based on guidance and planning committees) is bein employed in all sectors of activity: industry, agriculture, stockbreeding, town plannin commerce, craft-based industries, service industries and tourism. The French Government als intervenes at the upstream stage (research, training, studies).

2. Follow-up to operations in the macro-economic and financial fields and monitoring the impact of devaluation

94. The inevitable currency devaluations have been used as the springboard for revitalizatio plans - especially in agriculture - and for structural and sectoral adjustment. France and th international financial institutions have placed particular emphasis on fair distribution of th gains from devaluation, especially their redistribution to rural areas.

95. In this context, France has decided to pursue a structural adjustment policy: as complement to measures taken by the IMF, it contributes to adjustment by making donations t the least developed countries (LDCs) and offering loans to countries with intermediate income Exceptional additional measures (debt cancellation, special intervention by the fund fo assistance and co-operation) have been taken in order to palliate the short-term economic an social problems caused by devaluation.

96. In parallel with adjustment policies, French co-operation has focussed on developmen programmes (infrastructure, public services, the production sector). Among the instrument used to further this aim, the social development fund (SDF) has proved vitally important t social development projects at the basic level, helping to bring practical assistance to the mos needy.

3. Support for economic and financial administrative bodies

97. This assistance has two objectives: firstly, to contribute to the short-term stabilization o public finances, and secondly to help States ensure greater autonomy and effectiveness i economic and financial operations at ministry level.

98. The French Government is helping to implement new economic and financial suppor measures for the major administrative bodies, and for tax, customs and public financ authorities. France also provides indirect support through the regional programmes designed t improve the quality and effectiveness of these administrative bodies (e.g. the regional centr for statistical monitoring in Mali (AFRISTAT)).

99. Strengthening the sub-Saharan countries' statistical and economic research capacity wil enable them to evaluate better the effects of the devaluation of the CFA franc and facilitate ne structural adjustment policies. Two regional training centres for the staff of economic an financial ministries have been established with French assistance at Libreville an Ouagadougou.

C. Implementation of projects concerned with human resource development

1. Financial instruments

a) Social development fund (SDF)

100. The SDF, originally called the special development fund for social measures to accompany the devaluation of the CFA franc, addresses primarily the most vulnerable sections of populations. Its introduction has led to new co-operation measures that provide immediate relief for those worst affected by devaluation, mainly in urban areas.

101. This emergency fund can make immediate payments to associations, local councils or non-State sector economic partners. It has helped pave the way for public concerns requiring large numbers of workers, and has generated short-term incomes, particularly for the urban unemployed. Other groups supported by the SDF include the underprivileged groups, young people, single women, the sick, and those who live in the poorest parts of towns. This local co-operation also extends to associations of schoolchildren's parents and groups that can demonstrate economic potential (micro-enterprises, women's groups, etc.).

102. The results obtained by the SDF have confirmed the major potential of a type of co-operation that engages directly with civil society and its representatives while also maintaining dialogue with the apparatus of State. The Fund also contributes to research aimed at finding new ways of channelling foreign aid for economic and social development purposes at the grass-roots level.

b) The fund for assistance and co-operation (FAC)

103. The FAC provides donations to finance operations and projects relating to development. It is one of the rare sources of free international funding, and is an instrument particularly well suited to the diverse nature of such assistance; it can adapt well to other aid systems in the context of bi- and multilateral projects.

2. Development in the agricultural, environmental, social and health spheres

104. In general terms, the FAC's "agricultural trade projects" aim to impart a structure to trade and inter-trade organizations. In practice, they set up planning bodies, embracing national and local authorities and producer organizations, which then co-manage policies and resources for agricultural development purposes. Projects of this kind have been implemented in Benin, Burkina Faso, Côte d'Ivoire, Guinea, Madagascar and Mali.

105. Likewise, it also offers projects concerned with natural resource management, which aim to exploit such resources for the benefit of local populations. This requires the emergence of devolved structures and private operators capable of managing them.

106. As regards support for the productive working environment, the French Government is also seeking to safeguard certain growth-creating factors and strengthen human rights, through measures that enhance:

a) Land security (rural land scheme in Côte d'Ivoire);
b) Access to rural credit (Senegal, Guinea, Republic of Congo, Côte d'Ivoire);
c) Access to micro-credit (Mozambique, Burkina Faso, Côte d'Ivoire).

107. At the multilateral level, the French Government is involved in the negotiation of various conventions emanating from the Rio Summit. The United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa, is one such formal undertaking which ackowledges the environmental management role of civil society and the local authorities.

108. The Government also envisages establishing a FAC project to help implement the recommendations of the three United Nations summits on social development, population and women.

109. Here, the project aid focuses on:

a) Access, particularly by the most destitute, to essential urban services, namely transportation to work, electricity and potable water;
b) Upgrading of rural services to relieve the most isolated inhabitants.

110. A large proportion of the technical credit and assistance mobilized in the health field has been used to rehabilitate health care systems and for measures to deal with the main endemic diseases, principally Aids.

111. At the same time, through the "State" and "General interest/Inter-State" projects the French Government contributes to the food security of its partner countries - another basic human right. It assists governmental reforms in this sphere aimed at setting up a general institutional framework. At the multilateral level, it participates, with the European Union, in an information committee concerned with these matters and is instrumental in establishing the ORSEC disaster relief plans.

3. Support for education and cultural development

112. The French Government is one of the donors that devotes the greatest proportion of its aid budget to human resource development in Africa (one third of its budget, or almost two billion francs). In this context, it fosters education as a fully integral part of its support for the development of citizenship. Training is geared more to the environment - as indicated above - than to restricted educational projects within a formal framework.

113. In the cultural domain, the Government recognizes the primacy that must be given to cultural development as part of man's overall development. Its policy in this area is implemented by various means:

a) Funding of national support projects or projects of general interest by means of FAC credits;
b) A policy of acceptance and networks of cultural organizations that contribute to the development of cultural expression;
c) Making available technical assistance to help promote African culture at the national and international levels. An example is the holding of a major travelling exhibition, "Art against apartheid", in 1995 by the French association for artistic activities (AFAA).

114. Thus, it may be said that, through funding and by implementing projects, France supports all manner of cultural and artistic expression that seeks to promote human rights.

II. NON-DISCRIMINATION IN THE SAFEGUARDING OF RIGHTS

115. The Constitution guarantees equality before the law for all citizens, without distinction of origin, race or religion. The preamble to the Constitution also refers to the Declaration of Human and Civic Rights of 1789, whose first article states "All people shall have equal rights upon birth, and ever after". The preamble to the Constitution also cites the preamble to the Consitution of 27 October 1946, according to which "all human beings, without reference to race, religion or creed, posses inalienable and sacred rights". France also ratified the International Convention on the Elimination of All Forms of Racial Discrimination on 28 July 1971. Since that date, France has regularly prepared reports for the Committee concerned. In February 1999, it submitted its twelfth, thirteenth and fourteenth reports in a single document, which were presented orally to the Committee in March 2000.

116. The French Government thus invites the Committee on Economic, Social and Cultural Rights to refer to that document, which gives a very thorough account of the measures adopted at national level to guarantee non-discrimination in the enjoyment of fundamental rights. The following comments accordingly made for the record, and are not exhaustive.

117. Under the Act of 1 July 1972 concerning measures to tackle racism, incitement to discrimination, public defamation of a person because of origin, political opinion, non-membership of a given ethnic group, nation, race or religion, or public insult of a person for the same reasons are all made punishable.

118. This Act has been supplemented by other legislation. In particular, article 225-1 of the new Penal Code not only punishes the discriminatory behaviour towards physical persons that was punished under the previous Code, but also that perpetrated against legal entities through their members. This article also broadens the scope of discrimination, which already covered racial, ethnic, national or religious discrimination and that based on sex, family situation, state of health, disability and sexual orientation, to include discrimination based on political opinion and trade union activities.

119. Under article 225-2 of the Penal Code, discriminatory behaviour comprises refusal to provide goods or services, interference in the normal exercise of any economic activity whatsoever, refusal to hire an individual; punishment or dismissal of an individual, the imposition of discriminatory conditions on the supply of goods or services, and the imposition of discriminatory conditions on an offer of employment.

120. Moreover, article 432-7 of the Penal Code punishes persons in positions of official authority or charged with public responsibility who commit the acts of discrimination covered by article 225-1, consisting of refusal to allow enjoyment of a legal right or interference in the normal exercise of any economic activity whatsoever.

121. Several provisions of the Labour Code establish the principle of non-discrimination. They concern the hiring of pregnant women (art. L.122-25), recruitment procedures (L.122-45), the internal regulations of enterprises (L.122-35), equality between men and women regarding remuneration and training (L.123-1 to 123-5; L.140-2 to L.140-9; L.900-5), and equal treatment between French and foreign employees, especially concerning employment (L.122-35; L.122-45, L.133-5-10). France has signed and ratified the main ILO Conventions.

122. With regard to sexual discrimination, France has just submitted a report on its implementation of the Convention on the Elimination of All Forms of Discrimination against Women.

Article 6

I. JOBS AND UNEMPLOYMENT

123. In 1997 an upturn in growth was achieved, leading to a gradual improvement in the employment situation. There was a rapid rise in the numbers employed in the market sector. Admittedly, employment and activity levels remained low in some sectors, notably construction and civil engineering. Nevertheless, the upsurge in employment, which at one time had seemed confined to the service sector (including temporary jobs) gradually spread. There was a let-up in the decline in numbers of manufacturing employees, with net job gains being seen in some areas. Fewer jobs were being shed in construction and civil engineering. Under these conditions, salaried employment in the market sector grew by some 150,000 jobs in the period 1997-98. The overall situation saw a similar increase, with new jobs in the non-market sector compensating for a drop in non-salaried employment.

124. In the non-agricultural market sectors, the job losses that had resulted from the slowdown in employment beginning in 1995 were halted by the end of 1996. The tertiary market sector maintained a fairly high level of job creation, which compensated for the losses in employment and industry. Also, the high levels of job creation in the tertiary market sector in 1995 were maintained the next year. Services to enterprises benefited from the strengthening of industry.

125. Thus, the gradual consolidation of employment seen in 1996 finally resulted in a slight upward swing in job creation. However, owing to the fact that production continued to make only moderate advances, the tendency to rely on high numbers of short-term workers (temporary and fixed-term contracts) continued into 1997. At the same time, the importance of part-time work increased. In 1997, part-time work accounted for 16.6 % of the working population (as against 12.5 % in 1992) of which 30.9 % were women.

126. Moreover, having halted the growth in the working population in 1996, from 1997 onwards employment policies began to generate a slight increase. The unemployment rate, as expressed by the ILO method, rose to 12.9 % by mid-1997, but fell to 11.0 % in 1999.

Information on certain categories of worker

127. Certain types of worker seem more vulnerable to unemployment; women and young people aged under 25 are the worst affected. Women's unemployment stood at 14.2 % in 1997 (as against 12. 8 % in 1992), while male unemployment in 1997 was 10.8 %. By contrast, workers aged over 50, although affected by unemployment (8.5 % in 1997), were the least hard-hit category. However, without doubt it was the young who suffered worst, with an unemployment rate of 28.1 % in 1997 compared with 20.8 % in 1992. By the end of July 1997, there were 577,700 young people aged below 25 on the unemployment register. Consequently, the category hit hardest by unemployment was women aged below 25, the relevant figure for 1997 being 32.8 %, compared with 26.1 % in 1992.

128. In France it is the young people who have recently left education who suffer most from downturns in employment. However, those with the best qualifications make their additional years of study count in the labour market; most find work within two years of completion. Among young job-seekers, 59 % of those without qualifications were unemployed, compared with 38 % of baccalaureate holders and 26 % of university graduates.

129. Overall, the higher the qualification the less time is needed to find a job. Once over the precarious initial period, two-thirds of university graduates are engaged in work in the higher or intermediate category (managerial staff, technicians, etc.), and the majority of those with a high-school diploma are engaged in skilled work.

130. Among unqualified young people, persistent unemployment reveals a tendency towards exclusion from the workplace. At the same time, those with least qualifications also exclude themselves from the world of work: 10-20 % of them neither have nor seek an occupation and are "economically inactive", compared with 5-7 % of university graduates. Qualified young people alternate work with periods of unemployment, and their job-seeking is characterized more by unstable types of work than by any permanent exclusion from the labour market. Also, university graduates find work fairly quickly. It appears that eventually the occupation matches the qualification.

131. Concerning older workers and the labour market, it is worth noting that less than half of the 55-64 age group (43%) are still active in the labour market. This is partly attributable to the age of retirement, which in 1983 was lowered from 65 to 60 for those with national insurance contributions totalling at least 37.5 years. However, the vast majority of those who claim their pensions have already left the labour market and are, for the most part, either in public early retirement schemes or receiving unemployment benefit.

132. The trend towards early retirement from work is rising steadily, although the authorities have been trying for several years to control the process by making the most commonly used methods in the public sector - early retirement and redundancies - more inconvenient and costly for enterprises.

133. The French Government, having concentrated primarily on containing unemployment and on resolving employment problems by replacing the older people in the job market with young ones ("solidarity" contracts, early retirement), is now seeking as a matter of priority to restore the financial balance of pension schemes, which in the coming years will be under threat owing to an increasingly ageing population. One part of this strategy is to encourage people to work until old age, mainly by means of pension reforms. The other main part involves protecting the final part of people's careers. In the long term, the prospects for extending working life into old age are not encouraging.

134. With regard to disabled workers, the Employment Code obliges certain enterprises to employ disabled workers whose abilities are recognized by the council for occupational guidance and re-adaptation (COTOREP). Article L.323-10 of the Employment Code defines a disabled worker as any person whose chances of obtaining or keeping a job are effectively limited by inadequate or reduced physical or mental capacity. Those affected are classified according to the severity of their disablement:

a) Category A: occupational handicap whose slight or temporary nature is such that satisfactory adaptation to the work may be expected within two years;

b) Category B: moderate and lasting occupational handicap that places a permanent limitation on capacity to adapt to work;
c) Category C: grave and permanent occupational handicap or one that calls for extensive adjustment of the workstation.

Recognition of disabled worker status thus relates to the capacity to hold a job.

135. The integration of disabled people into working life is subject to special provisions. Every employer of twenty or more workers must take on disabled workers, either full- or part-time, amounting to 6 % of the total workforce. In 1992, around 26,000 disabled workers were to be found in the enterprises subject to this requirement. One third of the enterprises comply. The others find alternative legal solutions: 40 % pay a contribution to the association that manages the disabled persons occupational rehabilitation fund, and some 25 % combine a level of disabled employment below the legal norm with a complementary measure.

136. COTOREP decides, on the basis of fitness for work, whether an individual is to be placed in a normal working environment, a sheltered workshop or a "support through work" centre. The focus is on integration into a normal work environment.

137. The salary of the beneficiaries must not be lower than that resulting from application of the statutes and regulations or the relevant collective labour agreement. However, if a disabled worker's performance is poor, COTOREP may authorize salary reductions, depending on the category. The State then pays a supplement to ensure that the individual does not suffer from a lack of resources.

Employment of disabled workers in enterprises

	1990	1991	1992	1993
No. of estab. covered	87,800	88,000	89,000	85,500
Salaried emp.	8,518,000	8,539,600	8,411,000	8,711,500
No. of registered disabled, including those recognized by COTOREP as injured in industrial accidents, and those of working age	256,300 140,300 82,100	258,000 136,600 84,900	254,700 129,900 89,400	254,500 130,200 91,300
Average no. of disabled per estab.	2.92	2.93	2.86	2.97
Percentage of disabled employees	3.01	3.02	3.03	2.93

Source: Yearbook of health and social statistics, 1996, SESI (Office of Statistics, Studies and Information Systems), Ministry of Employment and Solidarity, Paris, 1996.

138. The "support through work" centres (1,216 centres on 1 January 1994, providing 78,849 places) provide disabled adolescents and adults who are temporarily or permanently unable to work in normal or sheltered conditions, or at home, with medical and educational support in a setting intended to encourage their personal development and social integration. This is productive assistance transferred to an ordinary working environment, and tailored to meet individual needs. On 1 January 1992, these centres accommodated 69, 419 people.

139. For those working at such centres whose remuneration is less than or equal to 15 % of the index-linked guaranteed minimum wage (SMIC), the State provides a supplement equal to 55 % of SMIC; others are paid a supplement which ensures that their total income amounts to 70 % of SMIC.

140. Sheltered workshops and the related home-work allocation centres (306 on 1 January 1994, offering 11,433 places) are units of productivity which allow disabled workers to exercise a paid occupation under conditions adapted to their capacities. On 1 January 1992, these units accommodated 7,852 adults: 47.7 % of these had learning deficiencies, 11.3 % suffered from mental illness, and 22.6 % suffered from serious motor impairment.

141. The State supplements their income in order to bring it up to 90 % of SMIC, and under a State-administered system of subsidies their guaranteed income level can amount to 110 %, possibly 130 %, of SMIC. Disabled people who are allocated work to do at home are regarded as working a timetable equivalent to the standard working week.

II. MAJOR EMPLOYMENT POLICIES

A. Measures to promote youth employment

142. Youth employment is one of the Government's major priorities. Accordingly, a youth employment scheme was introduced in autumn 1997. The Government intends to create 350,000 jobs in the public domain and in associations. The jobs will be offered under five-year fixed-term contracts, in accordance with labour legislation. Only "genuine and serious cause" can constitute grounds for breaking these private contracts.

143. The youth employment scheme is a response to the convergence of two factors: large-scale unemployment and unsatisfied needs. The primary aim of this plan is to provide new jobs to meet these needs. An initial list of new jobs has been drawn up:

a) Education: teaching assistant, assistant youth worker, educational project co-ordinator;
b) Family, health and mutual assistance: infant care co-ordinator, helper for the elderly or for persons released from hospital;
c) Housing and local community life: rents officer, home maintenance officer, apartment block maintenance officer, liaison officer;
d) Culture: multimedia trainer, heritage promoter;
e) Transport: escort; general aide;
f) Justice: court liaison officer, family liaison officer, guide for prisoners' families, prisoner escort;

g) Security: police-station reception staff, local liaison officer;
h) Environment: maintenance officer, refuse treatment operative.

144. These jobs are intended to fill emerging or existing needs in the cultural, sporting and environmental spheres, and in local services. Those authorized to offer jobs under this type of contract are the public institutions, the territorial collectivities, social institutions (local authority housing bodies, mutual associations, etc.) and non-profit associations. Every employer must submit details of planned vacancies to the Prefect's offices for approval.

145. These contracts are intended for young people aged between 18 and 26 (or under 30 if not receiving unemployment benefit), with or without qualifications. Throughout the first five years of the contract, the State pays a salary equivalent to 80 % of the SMIC, including payment of contributions. The rest is paid by the employer. These young persons' contracts co-exist with the consolidated contracts and Youth Employment Scheme contracts offered to those in most difficulty in the labour market.

146. The target of 350,000 new jobs over the next three years will be achieved gradually: 50,000 contracts between now and the end of 1997, 100,000 more in 1998, then 200,000 in the following eighteen months. For 1997 the Government has released 2 billion francs, and a budget of 10 billion is planned for 1998. Subsequently, the annual cost of 350,000 jobs will be 35 billion francs.

147. Some 15,000 young people will be recruited as assistant security staff (8,250 in 1997) under this scheme, and given private contracts. Another 20,000 will be hired directly by the State, under temporary public contracts, for specific tasks in support of the national police force.

148. Article 4 of the framework law against exclusions implements the "New departures" programme, under which any unemployed person aged 16-25 (or any long-term unemployed person experiencing problems in finding work) has the right to an interview, an assessment of his/her skills and vocational guidance. Additional resources are brought to bear to help those in difficulty in the 16-25 age group accomplish an "Access route to employment" (TRACE) (article 5 of the framework law). Unqualified young people are given priority, for a maximum period of eighteen months, subject to exceptions permitted by the Prefect. Young people wishing to undertake a TRACE may apply to their local employment office, the assistance, information and guidance service (PAIO), or an ANPE job-centre.

B. The reduction of working hours and re-organization of the working week

149. In recent years the Government's employment policy has placed strong emphasis on measures allowing exemptions from social security contributions. These take the form of specific mechanisms such as exemptions for the hire of a first, second or third employee, or more general regulations on full or partial exemption from employer contributions for the low-paid. The quinquennial law on employment, work and vocational training of 21 December 1993 unveiled a graduated exemption scheme for all low-paid workers. These measures were amended by the Act of 4 August 1995, which introduced a sliding scale of reductions applicable to all employer contributions paid on low salaries.

150. The re-organization of the working week covers both flexible and reduced working hours, in collective or individual terms. This approach is expressed most clearly by the measure

introduced in 1992 allowing for a standard deduction in the social security contributions (30 or 50%) applicable to part-time employment. The quinquennial law provides the legal framework for a new concept of work. This is based on a re-organization of the working week, combined with a reduction in working hours, in respect of both collective bargaining level and individual contractual relations. The objective is to introduce more flexibility into the working week, in accordance with production schedules, at the same time as reducing working hours across the board.

III. PROVISIONS GUARANTEEING FREEDOM OF EMPLOYMENT AND RESPECT FOR INDIVIDUALS' BASIC POLITICAL AND ECONOMIC FREEDOMS IN RELATION TO EMPLOYMENT CONDITIONS

151. The Preamble of the Constitution of 27 October 1946, incorporated into the Constitution of 4 October 1958, formally enshrines the right to work: "Everyone has the right to work and the right to obtain work. In the course of his employment or work, no- one shall be disadvantaged because of his origins, opinions or beliefs". In matters concerning the right to work, contractual freedom is the norm, and this is reflected in the contracting party's freedom of choice. However, the choice is not completely free for the employer, who must abide by certain rules concerning non-discrimination in labour relations - these will be discussed below.

152. The Declaration of Human and Civic Rights of 26 August 1789 recognizes, in its article 6, that "... positions of high rank, public offices and employment are open to all according to ability, and without any discrimination other than that based on merit or talent".

153. Recruitment to the civil service is done by competitive examination. Anyone who fulfils the requirements (proof of certain qualifications, being within the age limit, etc.) may apply. Other conditions must be satisfied in order to attain the status of civil servant: French nationality, enjoyment of civic rights, being in compliance with national service requirements, etc. Citizens of European countries may take up civil service posts provided they do not relate to the exercise of sovereignty or involve direct or indirect participation in the exercise of powers of State or of other public authorities (Act No. 91-715 of 26 July 1991).

154. Employment conditions in both the private and public sectors observe basic individual political and economic freedoms. These freedoms are proclaimed in arts. 10 and 11 of the Declaration of Human and Civic Rights of 1789 (freedom to express and communicate ideas and opinions) and in the Preamble to the Constitution of 1946 (freedom to join in trade union activities, to strike, and to participate in the collective determination of working conditions).

155. These constitutional provisions are expressed at the legislative level by provisions in the Employment Code and the Penal Code stating how these freedoms are to be applied in the workplace. Thus, article L. 120-2 of the Employment Code provides that " no one may impose on human rights and individual and collective freedoms any restrictions which are not justified by the nature of the task to be accomplished or are not in keeping with its objective". This also holds for the internal regulations of every enterprise. In the event of any attempt to interfere with these freedoms, a joint inquiry must be carried out by the employer and the staff representative. If no solution results, the trial board of the industrial relations tribunal must be informed. A judge may then order any measure necessary in order to stop the interference.

156. Employees' right of expression is established by article L. 461-1 of the Employment Code. This is a direct and collective right that concerns the content, exercise and organization of their

work. The exercise of trade union freedoms is acknowledged by all enterprises in accordance with the rights and freedoms guaranteed by the Constitution, in particular the individual's freedom to work (art. L.412-1 of the Employment Code).

157. The right to strike is also protected by article L. 521-1 of the Employment Code, since a strike does not break a labour contract unless there is gross negligence on the part of the employee. Any dismissal made as the result of the normal exercise of the right to strike is null and void ipso jure (art. L.122-45), as are dismissals that violate the principles of public order (art. L.122-45). These freedoms are also protected by article 431-1 of the Penal Code, under which any concerted attempt, backed by threats, to impede the exercise of the freedoms relating to the expression of opinion, work, association, and the holding of meetings or demonstrations is punishable by one year of imprisonment and a fine of 100,000 francs.

158. The civil service also respects the individual's political and economic freedoms. Civil servants are guaranteed freedom of opinion, and no distinction may be made between them on the grounds of political, trade union, philosophical or religious beliefs, sex, state of health, disablement or ethnic origin (art. 6 of Act No. 83 of 13 July 1983). Their right to belong to a trade union is guaranteed and their right to strike is included in the relevant legislation (art. 10 of the Act of 13 July 1983), although certain categories, a notable example being the police forces, are excluded. However, their right to strike is subject to stricter conditions than in the private sector, examples being the requirement to provide advance warning (art. L. 521-3 of the Employment Code) and to ensure that a minimum service is maintained.

IV. TECHNICAL AND VOCATIONAL TRAINING

159. In 1995, the following three objectives characterized the efforts to improve the effectiveness of vocational training in France:

a) To improve the types of initial and in-service vocational training available;
b) To place the region at the heart of efforts to launch and co-ordinate policy on initial and in-service training for young people;
c) To enhance the organization of funding mechanisms.

160. The French system of vocational training may be described in terms of the types of individual involved.

A. Persons engaged in an occupation

1. Private-sector salaried employees

161. Salaried employees may undertake training either at their employer's initiative as part of a company training programme, or at their own initiative in the form of training leave. Some types of training are provided when enforced redundancies occur.

162. In the section of the anti-exclusion act which relates to work and training, illiteracy is linked specifically to vocational training. A salaried employee may request his employer to provide him with in-service training courses designed to bring his reading and writing up to standard.

a) Training plan

163. Any enterprise may introduce training activities or skills appraisal exercises as part of its training plan. These activities are determined by the employer, either at his own initiative or that of the employee or the staff representative, in accordance with the enterprise's objectives.

b) Training leave

164. Any salaried employee may, throughout his working life, partake in training at his own initiative and on an individual basis, regardless of any training he undertakes in the framework of his enterprise's training plan. The employee's eligibility for such training depends on certain conditions. Salaried employees may also obtain other types of training leave, including:

- i) A skills appraisal period, designed to analyze vocational and personal skills prior to formulation of a vocational or training project;
- ii) Educational/study leave.

c) Redundancies and training

165. In addition to training measures planned in the context of a redeployment agreement, salaried employees who are threatened with redundancy may ask to receive in-service vocational training until their period of notice expires.

2. Public servants

166. The Act of 13 July 1983 concerning the rights and obligations of civil servants recognizes the right of public employees to receive continuing education and training leave. This law also states that a public servant can have a statutory entitlement to training. The application procedures differ according to whether the individual works for the State, a territorial entity or the hospital sector.

3. Non-salaried workers

167. The self-employed, traders and non-salaried persons in the agricultural and craft-trade sectors also enjoy the right to undertake in-service vocational training.

B. Integration of young people into the workforce

168. Unemployed people aged from 16 to 25 benefit from training measures designed to help them enter the workforce once they have completed an initial training period. Today, alongside the training options available for the least qualified young unemployed, other young people are offered a range of different contracts. These may be either apprenticeships offered to those still at the initial training stage, or block-release schemes designed to promote integration into work. The contracts combine practical training at the enterprise with theoretical training at an educational centre.

1. Apprenticeships

169. These are contracts lasting from one to three years, designed to enable young people aged between 16 and 25 to acquire a vocational qualification at Level V or above. In order to

facilitate applications for this type of training, the requirement for prior approval of the enterprise that takes on the apprentice has been replaced by a prior declaration.

2. Block-release schemes

170. The *guidance contract* lasts from three to six months and is intended for those aged between 16 and 23 who have completed at most the second cycle of secondary education without obtaining a diploma. The aim is to integrate them by providing occupational guidance based on an initial educational component.

171. The *qualifying contract* lasts from six months to two years and concerns those aged between 16 and 25 who have either gained no qualifications during their schooling or have acquired a qualification that does not help them to find work. The aim is to help them acquire a recognized vocational qualification.

172. The *occupational adjustment contract*, either fixed-term or open, concerns the unemployed persons aged between 16 and 25 who need additional training quickly so as to take up a job which has been offered.

C. The unemployed

173. Various measures have been introduced to help the unemployed integrate or reintegrate into the job market. Some are available to all job-seekers, such as the nationally or regionally approved placements offering remuneration to vocational trainees, or the work placements offered in enterprises. Others address only those unemployed people who experience particular difficulties in integrating. These different measures can provide remuneration, either in the framework of retraining agreements concluded with the associations for employment in trade and industry (ASSEDIC) - bodies responsible for the unemployment benefit of salaried employees who have been made redundant - or in the framework of a training and re-adaptation allowance, provided the unemployed person has made a certain number of days' contributions to the unemployment benefit scheme. Other unemployed people engaged in vocational training placements are paid out of nationally or regionally funded schemes.

1. Vocational training available to all job-seekers

174. *Training approved at State or regional level and offering remuneration to vocational trainees*: these courses, offered by the State or a region, are intended to help those wishing to integrate or re-integrate into working life to take a job that requires qualifications or to prepare themselves for new occupations. The courses may include a period of applied practical work in an enterprise. Remuneration varies according to the individual's circumstances before commencing the training. The trainees are entitled to social security benefits.

175. *Placements in enterprises*: these are implemented jointly by ANPE and the enterprises. They enable unemployed people to fill vacancies of which ANPE has been notified. The unemployed person is paid during his training and is entitled to social security benefits. These placements are also open to employees, who are given the opportunity to extend their skills and achieve promotion to different posts within an enterprise, provided unemployed persons can be recruited to fill their vacated posts.

2. Training or work-assistance contracts for unemployed persons experiencing particular problems with integration

176. Certain categories of unemployed person who are in particularly difficult circumstances may undertake a combined work experience and training course, enter into "return to work" or a Youth Training Scheme contract, or make use of the training credit system.

a) *Combined work experience and training course*: the objective of this course is to assist the integration or reintegration of the long-term unemployed or persons in particular difficulty. It may be spent either entirely or partly in an enterprise, and organized on an individual or group basis. The training lasts from 40 to 1200 hours. The trainee is paid during the course;

b) *"Return to work" contract*: this contract is designed to assist the integration or reintegration of those who have been away from the labour market for a long period. The contract may be fixed-term or open, and is offered by the employer on the basis of an agreement concluded with the State. It may provide for training during working hours. The recipient of such a contract has employee status;

c) *Youth Training Scheme contract*: this individual contract is implemented on the basis of an agreement concluded between the departmental prefect and local authorities, non-profit associations or public institutions. It lasts between three months and one year. It allows those encountering particular difficulty in integrating to work for a part of the week on a part-time contract. The employee on this type of contract may follow a course of training, but on an unpaid basis;

d) *Training credit for the unemployed*: this enables any unemployed person to follow a customized course of training leading to a level V qualification.

177. The "New departures" programme included in the anti-exclusion law is applicable to adults, in the same way as qualifying contracts, but also extends to those aged over 26.

178. The Youth Training Scheme contracts and consolidated employment contracts have been improved in order to strengthen their contributions as stages on the route to vocational integration. They have been refocused to address those in difficulty.

179. Conditions have been improved for those starting or restarting enterprises and who receive income support (RMI), a specific welfare allowance (ASS) or single parent benefit (API). These individuals, and those in receipt of an integration grant or widowhood grant, may combine such income with the income from an occupation for up to one year, during which the benefit is gradually phased out.

180. The unemployed now enjoy easier access to anti-illiteracy programmes. They have the right to exercise a voluntary activity.

V. THE PRINCIPLE OF NON-DISCRIMINATION IN EMPLOYMENT

181. The general principle of non-discrimination is set forth in article L.122-45 of the Employment Code. The latter prohibits any discrimination during recruitment or dismissal

procedures on the basis of origin, sex, customs, family situation, ethnic, national or racial origin, political opinion, trade union or mutual society activities, religious beliefs or, excepting unfitness determined by the workplace physician, state of health or disablement. These provisions are supplemented by Act No. 92-1179 of 2 November 1992 (art. L. 122-46 of the Employment Code) concerning abuse of authority relating to sexual harassment in the workplace. This act protects job applicants and employees against sexual harassment on being hired, throughout their contract and during dismissal. It prevents any discriminatory decision, punishment or dismissal being enacted against an employee who witnesses or suffers sexual harassment.

182. Act No. 92-146 of 31 December concerning recruitment and personal freedoms enlarged the scope of article L. 122-45 of the Employment Code to include job applicants. Any discriminatory act or provision is null and void ipso jure. Violations of the provisions of article 122-45 are subject to criminal penalties. Furthermore, discrimination as defined in article 225-1 of the Penal Code is punishable by two years' imprisonment and a fine of 200 000 francs if it consists of refusing a job, punishing or dismissing a person, or making an advertised job subject to one of the conditions cited in the article.

183. The rules intended to guarantee professional equality between men and women can be traced back to a provision of the Preamble to the 1946 Constitution. They were revised and expanded by the Act of 13 July 1983. With regard to recruitment, article L. 123-1 of the Employment Code forbids any attempt to mention or cause to mention sex or family situation in a job advertisement or any other form of publicity. In addition, an employer must not use a woman's pregnancy, or information about her pregnancy, as the basis for refusal to hire, cancellation of contract or re-deployment (art. L.122-25 of the Employment Code).

184. All employers must ensure that men and women receive equal remuneration when they perform the same work.

185. In accordance with the 1956 act, article L. 412-2 of the Penal Code forbids any employer to " use trade-union membership or the exercise of a trade-union activity as a factor in taking decisions" in all situations in working life.

186. Finally, the Act of 12 July 1990 forbids all discrimination on grounds of health or disablement.

VI. THE PRINCIPLE OF NON-DISCRIMINATION IN VOCATIONAL TRAINING

187. Any worker engaged in an occupation or any person who becomes involved in one has the right to a vocational qualification, and may, at his own initiative, undertake training that enables him to gain a qualification suited to short- and medium-term economic requirements. This principle is stated in article L. 900-3 of the Employment Code, established by Act No. 90-579 of 4 July 1990 concerning the quality and monitoring of vocational in-service training.

188. Article L. 900-5 of the Employment Code provides that in matters of vocational training no distinction must be made between women and men, except when membership of one sex or the other is an essential pre-condition to the exercise of the job or vocational activity giving rise to the training (Act No. 83-635 of 13 July 1983).

VII. EXAMPLES OF DIFFERENTIATION NOT REGARDED AS DISCRIMINATORY

189. Decree No. 84-395 of 25 May 1984 determines the types of employment and activity for which membership of one sex or the other constitutes an essential pre-condition. These are:

a) Artists called upon to play either a female or male role;
b) Fashion models who present clothes and accessories;
c) Male and female artists' models.

190. The provisions of Act No. 83-635 of 13 July 1983 (art. L.900-5 of the Employment Code) authorize positive discrimination in favour of women in certain cases, and allow the introduction of temporary measures designed to help women alone (arts. L. 122-3 and L.122-4) for the purpose of restoring equality between the sexes, particularly where de facto inequalities affect their prospects.

191. In addition, female quotas in the armed forces are to be removed in the interests of professionalization. In 1997 there were 23,000 women of all ranks (7.5 % of complement) present in the armed forces, either as career military personnel or working under contract. By 2002, the date set for completion of the professionalization process, the proportion of women will increase to 10 % out of a total complement of 390,000 (enlisted staff, volunteers, civilians) in the armed forces (air force, army and navy) and the gendarmerie, that target having been set under the law authorizing the five-year plan (1997-2002). The armed forces will also recruit more civilians and women into army regiments.

192. The Act of 13 July 1972 concerning the general status of military personnel theoretically applies the same conditions to men and women. In fact, women are subject to quotas in respect of the competitive-entrance higher education establishments (grandes écoles) or access to special fields. In the army, these quotas are 7% for the signals, service and supply corps, and 3.5% for the infantry, the armoured corps, the artillery corps, the engineer corps and the marines. In the navy, most careers are open to women except pilot on an aircraft carrier, submariner and marine. In the air force, women are accepted everywhere except as commandos, and the national gendarmerie accepts women in all areas except the special intervention forces.

193. In 1997, women accounted for 4% of all military officers, 8% of non-commissioned officers (NCOs) and 8% of the enlisted ranks. These figures vary by service, with women accounting for one in ten air force personnel.

a) Army (7.4%): officers 2%, NCOs 11.2%, enlisted ranks 4%;
b) Navy (7.2%): officers 3%, non-officers 7.7%;
c) Air force (10.8%): officers 4.2%, NCOs 10.7%, enlisted ranks 21.8%;
d) Gendarmerie (3.8%): officers 0.5%, NCOs 3%;
e) Health service: doctors 8%, nurses and technicians 90%.

194. There are also rules which determine the priorities relating to employment. These mainly concern disabled people. The Act of 10 July 1987 increased the effectiveness of these priorities. Thus, any employer having at least twenty employees is required, under the terms of article L. 321-1 of the Employment Code, to take on part-time or full-time disabled staff up to a level of at least 6% of his workforce. He may partially exempt himself from this obligation by concluding sub-contracting agreements or service provision contracts with approved establishments that employ disabled workers. The obligation to employ disabled workers also

applies to the public services and to local authorities (art. 26 of Act No. 75-534 of 30 June 1975).

195. With regard to the application of article L.122-45 of the Employment Code, according to the jurisprudence the principle of non-discrimination does not, on the whole, prevent an employer from applying different punishments to employees who have made identical mistakes (Cass. soc., 15 May 1991, 29 February 1992, 1 February 1995).

196. A judge has ruled that article L.122-45 does not apply if an employee who has been hired to carry out a task bringing him into close intellectual contact and a position of trust with his employer fails to observe the obligations resulting from such employment (Cass. soc., 27 November 1986).

197. Finally, although an employee can not be dismissed on the sole grounds of his/her sexual preferences or religious convictions, a dismissal is feasible on the basis of the behaviour of an employee who, considering the nature of his duties and the function of the enterprise, has created blatant disorder within the enterprise. However, the jurisprudence has tended not to support dismissal on such grounds.

Article 7

I. WAGE SETTING

198. Wage setting results, in principle, from contractual freedom - exercised at the time of conclusion of an employment contract - and from collective autonomy exercised through negotiation of agreements within the framework of an enterprise or a field of activity. Two sets of rules govern these matters:

a) The first determines minimum salaries; it sets out the limits within which the freedom of the parties is exercised (SMIC, standard minimum levels);
b) The second deals with real wages; it determines how the freedom of the parties is exercised. The Act of 13 November 1982 introduced compulsory collective negotiation of real wages within enterprises.

199. The employers' organizations issue recommended limits to the enterprises for which they are responsible, calculated to take account of salary changes.

200. Remuneration can also be negotiated on an individual basis. Here, a proportion of the wage bill is reserved in order to reward individual performance. The individual aspect of real salary determination relates essentially to the employment contract.

II. THE MINIMUM WAGE SCHEME

201. The State sets a minimum wage in order to guarantee the purchasing power of the lowest salaries and to ensure that all salaried workers participate in national economic development (art. L.141-2 of the Employment Code). Instituted in its current form on 2 January 1970, the statutory minimum wage (SMIC) is an hourly wage that increases regularly as a result of two processes:

a) Review (art. L.141-4 of the Employment Code): on 1 July every year, the National Committee for Collective Bargaining, following an analysis of the nation's accounts and a report on general economic conditions, formulates an opinion on revaluation of the SMIC. The revaluation is implemented by decree of the Council of Ministers. The Government, which decides on the new level, must comply with two directives: the increase in the purchasing power of the SMIC must not be less than half of the increase in the purchasing power of average salaries (art. L. 141-5 of the Employment Code), and revaluations of the SMIC must be designed to eliminate any lasting discrepancy between variations in the minimum wage and those in the general economic status of incomes. At any time, in accordance with social and economic considerations, a decree can be issued to bring the SMIC to a level higher than that which would result from the use of the cost-of-living index alone. Such "nudges" do not always conform to purely economic considerations;

b) Cost-of-living indexation: this takes place automatically when the consumer price index (excluding tobacco) of the Central Statistical Office (INSEE) rises by at least 2%, and by the same proportion as the index (art. L. 141-3 of the Employment Code). The rise is implemented by ministerial decision (art. D. 141-1).

202. However, it should be noted that the SMIC only applies to workers with no qualifications and no seniority. Other employees have the power to earn more than the SMIC, which constitutes a wage-floor rather than a wages benchmark. The level of the SMIC is reduced with respect to young workers, however: by 20% up to age 17 and by 10% from 17 to 18, although the SMIC can be withdrawn from those who have completed six months' working practice in an activity. It can also be withdrawn from disabled workers. If their performance falls to unacceptable levels, COTOREP can authorize salary reductions (art. L.323-6) by agreement with the administrative authority.

203. The SMIC is applied on the basis of a comparison between actual salary paid, on the one hand, and, on the other hand, the product obtained on multiplying the SMIC by the number of hours actually worked. If there is a difference to the detriment of the employee, he is paid a salary supplement.

204. It should be made clear that the SMIC is not a starting point for a hierarchy of pay differentials, changes to which would require action across the entire salary range. Since the Act of 11 February 1950, salaries have been determined by collective bargaining, particularly sectoral bargaining.

205. Since 1 July 1997, the gross monthly amount of SMIC has stood at 6663.67 francs for 169 hours of work. It is paid to 2.2 million people, or 11.5% of the paid workforce (as against 8.2% in 1994). Young people account for 33.5% of the workers in receipt of the SMIC. The 4% increase in the SMIC in July 1997 was in line with an overall increase in purchasing power of 3.2%, the highest since 1981.

III. THE GENERAL PRINCIPLE OF NON-DISCRIMINATION WITH REGARD TO REMUNERATION

206. In legal terms, salary is paid in consideration of work that has been accomplished. However, regardless of the economic aspect, the salary has social implications that justify protective intervention by the legislature.

207. With regard to sexual equality, as already mentioned the Preamble to the 1946 Constitution, evoked in the current Constitution, guarantees women equal rights to men in every sphere This principle of non-discrimination guarantees women free access to paid work under equal conditions. Articles L. 140-2 et seq. of the Employment Code clarify the principle of equal remuneration for men and women and lay down the conditions for its application. Moreover, the annual progress reports on collective bargaining contain a chapter on negotiations relating to sexual equality in the workplace. These reports refer specifically to the clauses in collective agreements associated with the principle of "equal pay for equal work".

208. The employer is generally under no obligation to pay the same salary to employees who are in the same category and perform the same tasks. He is free to determine different levels of remuneration that reflect the respective skills and abilities of his employees. However, in the case of an employee receiving a lower salary than other workers who are in identical jobs and subject to the same production requirements, and whose performance or capability are not such as to justify the salary differential, the courts can decide that illegal discrimination is being practised.

209. The Act of 13 July 1983 concerning occupational equality provides for a number of measures intended to achieve equality in the workplace, particularly in respect of equal pay:

a) An annual report on the general situation regarding men's and women's pay and conditions in enterprises having at least 50 employees. The employer must submit the report and the programme objectives derived from it to the works council for discussion. The report reveals any pay differentials between the sexes;

b) Negotiation of vocational equality plans. These are agreements struck within the enterprise or establishment and containing measures, designed to benefit women alone, that address wage inequalities.

210. The Employment Code contains several provisions relating to the negotiation of equal pay (arts. L. 123-4, L. 132-28, L. 133-5, L. 133-5-4 and 133-5-12). These establish the following requirements:

a) Negotiation within enterprises of plans for achieving vocational equality between men and women;

b) Availability of various types of information prior to negotiations in enterprises (salaries and working hours);

c) Compulsory mention of sectoral agreements that need to be given wider application: the principle of "equal pay for equal work"; vocational equality and measures to address the gender imbalances in access to employment, training, promotions, and working and employment conditions; special working conditions applicable to pregnant and breast-feeding women.

211. Concerning the enforcement of legislation, labour inspectors are responsible for reporting violations of the equal-pay principle. They can request employers to provide information on the various components used by the enterprise to determine salaries, such as standards, categories, criteria, and basis of calculation. They can also conduct investigations in the presence of both employer and employees, including at the request of the trade unions.

212. No statistical information is available on the number of offences reported with regard to equal pay. In the more general context of vocational equality, it is known that in 1994 the labour inspectorate brought proceedings in seven cases and issued 1,876 warnings.

213. Mention should also be made of the higher council for vocational equality between men and women, established by Decree No. 84-136 of 22 February 1984 (arts. R. 331-1 to R.331-7 of the Employment Code). The council is consulted on draft laws and decrees concerned with vocational equality, and publishes an annual report on its activities. The minister responsible for women's rights reports back to the council every two years on the action taken to give effect to its recommendations.

214. Application of the principle of non-discrimination with regard to remuneration is subject to judicial control (industrial tribunal, court of appeal, court of cassation).

IV. HEALTH AND SAFETY AT WORK

215. The rules concerning health and safety at work occupy a large part of the legislation governing employees' activities. These rules affect all working conditions. The modern conception of occupational hazards is more extensive, embracing all factors likely to harm workers' physical or mental health, including working environment, workload, rate of production, definition of tasks, length of working week and working hours, night-work, and shift-work.

216. The institutions that represent the staff, such as the works council, staff representatives and union representatives, have authority to intervene on all matters of staff health and safety. Because employees run risks in carrying out their duties, article L. 233-1 of the Employment Code establishes a general principle: establishments must be planned in a way that ensures the safety of workers. This article is supplemented by articles 319 and 320 of the Penal Code, which create specific offences relating to deaths and injuries caused by negligence and employers' failures to meet their obligation to ensure staff safety.

217. The Act of 6 December 1976 shaped the current legislation on health and safety at work. It established a higher council for occupational risk prevention, which participates in the drafting of regulations (art. L. 231-1) and, in a more general manner, of national policy on accident prevention. This act provides that employees must be trained and informed about prevention.

218. The Act of 23 December 1982 mainly concentrates on a specialized entity that operates within the enterprise, namely the committee on health, safety and working conditions - a staff representative body. The committee is compulsory for enterprises with more than 50 employees. Its task is to help protect the health and safety of the establishment's workers and of workers belonging to outside organizations, and to improve working conditions. It also ensures that the relevant laws and regulations are enforced. A further task is to analyze the occupational risks to which the establishment's staff may be exposed. At least four times per year, the committee must conduct inspections to observe compliance with the laws and regulations. The committee must be consulted on any measure involving changes to health and safety conditions, on the drafting of internal regulations concerning matters within its remit, and on proposals for measures concerning workers who have been in accidents or are disabled.

219. The Act of 31 December 1991 introduced the general principles of prevention into the Employment Code. The Decree of 20 March 1979 concerns training on safety and on the regulations applicable to "the most hazardous materials".

220. The general principles of prevention express the obligations for which the employer is responsible, but they are also binding on the employee. Article L.230-2 of the Employment Code lists these obligations: to avoid risks as much as possible; to evaluate risks that can not be avoided; to tackle risks at source; to adapt work to people; to replace what is dangerous by what is not, or by what is less dangerous; to attach greater priority to group protection than to individual protection, and so on.

221. When non-observance of legal directives leads to a dangerous situation, the relevant section head can, with support from the labour inspector, place the head of the establishment on notice to take appropriate remedial measures (art. L. 230-5).

222. The obligations of employees give rise to a principle according to which each employee must, to the extent possible, look after his own health and safety and those of others, in accordance with his own training and his employer's instructions. It follows that he must use machines correctly, make good use of personal protective equipment and safety systems, give immediate warning of situations of grave and imminent danger (art. L. 231-8), and co-operate with his employer and with appointed health and safety officials, either by participating in tasks imposed by the competent authority with a view to protecting workers' health and safety, or by helping to ensure a risk-free working environment.

223. In general where health is concerned, article L.232-1 provides that "establishments and premises must be kept constantly clean and under conditions of health and hygiene required to maintain the health of the staff". Regarding safety, "establishments and premises must be planned so as to ensure the safety of employees. Machines, mechanisms, communications equipment, tools and instruments must be installed and maintained under the best possible conditions of safety (art. L. 233-1, paras. 1 and 2).

224. Article L. 231-3-1 obliges every employer to organize appropriate practical training on safety. Such training is intended for new employees, staff who change their job or method of working, casual staff on arrival and, at the discretion of the workplace physician, those returning to work after a break of more than 20 days.

225. Special health and safety rules exist with regard to employees from other enterprises. A situation in which one enterprise carries out work inside another can be fraught with danger for employees who are not familiar with the changed working environment. Article L. 230-2 therefore provides that "when workers from several enterprises are present in the same workplace, their employers must co-operate in implementing the provisions relating to health, hygiene and safety."

226. The construction and civil engineering sectors are characterized by frequent and serious industrial accidents. They are thus subject to particularly extensive health and safety regulations. The most important of these appear in articles L. 235-2 et seq. of the Employment Code. Before a start is made at the construction site, the employer must provide the main contractor with a safety plan detailing the measures that have been taken to ensure staff safety,

hygienic working conditions and premises, and the first-aid measures to be taken in the event of accident or sickness.

227. The labour inspectorate also plays an important role through its supervision of compliance with the relevant legislation. An inspector has the right to enter any of the establishments under his supervision where workers are engaged in tasks that endanger their health. He can place an employer on notice to take the necessary measures if he finds that general health and safety requirements are being neglected.

228. The workplace physician is also concerned with improving safety and avoiding any upset to employees' health. He can propose job transfers or changes, and suggest improvements to working conditions.

229. Application of the regulations governing health and safety at work is also subject to judicial control (industrial tribunal, criminal court).

Statistical information on industrial accidents and occupational illnesses

230. Article L. 411-1 of the Social Security defines an industrial accident as one that, for any reason, happens to an employee or worker as a result of or during his work, in whatever capacity or location, for one or several employers or company heads. An industrial accident can also be one that happens to a worker while he is travelling between his main place of residence and his place of work, and vice versa.

Industrial accidents

Industrial accidents	1993		1994	
	At work	In transit	At work	In transit
Reported and acknowledged	1,352,536	131,942	1,356,204	120,800
Involving stoppage	674,845	82,120	675,686	76,845
Fatal	833	641	800	603

Industrial accidents by sector in1993

Sector	Accidents involving stoppages (in thousands)	Deaths
Metallurgy	232.5	84
Construction and civil engineering	235.6	242
Forestry	45.0	15
Quarries	22.0	23
Clothing	9.3	2
Food	130.0	47
Transport and	81.1	165
maintenance	10.4	12
Water, gas, electricity	81.6	51
Non-food stores	437.2	158
Inter-professional		
All sectors	1352.5	833

231. Article L.461-1 of the Social Security Code states that an illness is occupational in nature if it is among those indicated on an accompanying table of occupational illnesses and was contracted under the conditions specified in the table. If one or several conditions relating to period of contraction, length of exposure or a closed list of activities are not satisfied, an illness may still be recognized as occupational, provided it can be established that it was caused directly by the victim's normal work.

232. An illness which does not appear in the table may be recognized as such, provided it can be established that the illness was essentially and directly caused by the victim's normal work.

V. REST, RECREATION, REASONABLE LIMITATION OF WORKING HOURS, REGULAR PAID LEAVE, REMUNERATION FOR PUBLIC HOLIDAYS

233. Working hours, weekly rest and public holidays, paid leave, and the shortening of working lives by means of revised pension schemes have all been the subject of measures that increasingly favour the salaried worker.

A. Working hours

234. The forty-hour working week was established in 1936 (Act of 21 June 1936); the act allowed some flexibility in that it allowed the possibility of being granted additional work at an increased hourly rate. Through the combined efforts of the legislature and those involved in collective bargaining, a policy of gradual reduction emerged. Order No. 82-41 of 16 January 1982 established a new legal working week of 39 hours from 1 February of that year. According to the explanatory memorandum relating to the order, the Government's aim was to introduce a 35-hour working week in the medium term.

235. The re-organization of the working week concerns first and foremost the regulations governing daily work and night-work. These are complemented by regulations directly concerned with weekly working hours. Limitation of the number of hours that can be worked in the same day has been a matter of custom and practice. The principle is stated in article 212-1, para 3, of the Employment Code: "an employee's working day may not exceed ten hours". Tradition also dictates that night-work - at least in industry - must not be given to persons less than 18 years old (art. L.213-7 et seq. of the Employment Code). Night-work for women was also proscribed until France was censured in 1991 by the Court of Justice of the European Communities, which ruled that the provisions of the Code's article L.213-1 contravened the principle of equal treatment for men and women with regard to access to work, training, promotion and working conditions. Since then, the France has concentrated on establishing restrictions applicable to both men and women and on changing the balance of night-work.

236. The reduction in annual working hours has become more pronounced with increases in paid leave. Order No. 82-41 of 16 January 1982 granted all wage-earners a fifth week of paid leave, which many already enjoyed thanks to collective agreements.

237. The Order also provided that, by 31 December 1983 at the latest, the working week of permanent employees who worked successive shifts in a continuous cycle must not exceed an annual average of 35 hours.

238. The Acts of 3 January 1991 and 31 December 1992 strengthened employees' access to part-time work on request, and also the contractual guarantees relating to equal treatment. The Act of 31 December 1992 introduced a reduction in the social security contributions of employers who recruited part-time workers or converted full-time jobs to part-time ones.

239. Article 212-4-2, para 2, of the Employment Code provides that the part-time working week must be at least one-fifth shorter than the statutory or negotiated maximum. Part-time work may be accepted during the hiring process, but can not be imposed on the employee subsequently. By contrast, under the Act of 3 January 1991 every employee has the right to choose part-time work. Moreover, part-time employees now enjoy the same rights as full-time ones.

240. The Act of 20 December 1993 introduced an annualized form of working hours offset by a compulsory reduction in the working week. Assistance was introduced in the form of reduced social security contributions; this measure was strengthened by an act passed on 11 February 1996.

B. Weekly rest

241. The principle that employees should not work on Sundays is expressed in a series of inter-linked regulations. Firstly, it is forbidden to make the same employee work for more than six days (art. L.221-2). The resulting weekly rest must last at least 24 consecutive hours (art. L.221-4). The rest must be given on Sunday (art. L.221-5). However, each of these three regulations is subject to numerous exceptions.

242. The regulation imposing a weekly rest does not apply in exceptional cases where the law permits its suspension, for example when staff are needed for emergency rescue work or accident prevention duties (art. L.221-12), or at establishments where work is being done in the interests of national security (art. L.221-25). The regulation requiring 24 hours of consecutive

rest does not apply where the law provides that the rest may be partly postponed (arts. L.221-11 and L. 221-21) or that the rest can be reduced to half a day, as in certain types of maintenance work (art. L.221-13). With regard to Sunday rest, the law permits two types of exception. Firstly, in establishments (art L. 221-9) and industries (art.221-10) which are authorized to allow weekly rest on a rota basis. Secondly, such exceptions as may be granted by decision of the prefect's office, subject to justification.

243. Failure to comply with the regulations governing weekly rest is a criminal offence.

C. Public holidays

244. Article L.221-1 of the Employment Code lists eleven statutory public holidays. Only young industrial workers aged under 18 and apprentices are obliged to take public holidays (arts. L.222-2 and L.222-4). The only general regulation applicable in this matter states (order of 16 January 1982) that working hours lost by taking a public holiday can not be recovered. Only one public holiday is compulsory and paid for all workers: 1 May (art. L.222-5).

245. However, collective agreements and custom dictate that public holidays are very often taken. Moreover, agreements providing for monthly salary deductions gradually led to widespread acceptance of the principle of paid public holidays. This tendency was confirmed by the national inter-professional agreement of 10 December 1977. Under the Act of 19 January 1978, employees are entitled to paid public holidays after three months' service, provided they are at work (or on authorized absence) the day before and the day after the holiday in question.

D. Paid leave

246. Since the Act of 20 June 1936, leave has been extended at regular intervals: two weeks in 1936, three weeks in 1956, four in 1969, and five in 1982. Since the Order of 16 January 1982, leave has been determined on the basis of two and a half working days per month worked, up to a maximum of 30 working days per year (art. L.223-2). The employee's leave entitlement is thus determined by the amount of work actually done in a standard period, which runs from 1 June of the previous year to 31 May of the current year.

247. Annual leave is paid, or at least taken in compensation. The amount of compensation is determined by two methods: under the first, it is equal to one-tenth of the total remuneration paid to the employee over the standard period. Under the second, it can not be less than the amount of remuneration that would have been paid during the leave period if the employee had continued to work. Paid leave compensation is due only to an employee who actually takes his leave.

Article 8

LAWS AND REGULATIONS

248. The following laws and regulations apply:

a) Acts of 21 March 1884, 12 March 1920, 27 February 1927 concerning trade union statutes;

b) Act of 27 April 1956 guaranteeing the right to form and join a trade union and the protection of trade union rights;

c) Act of 17 April 1957 determining the trade union organizations authorized to discuss collective agreements;

d) Order of 23 December 1958 amending certain penalties for the purpose of increasing court jurisdiction;

e) Decree of 23 December 1958 amending certain criminal provisions in order to introduce a fifth category of summary offence;

f) Act of 27 December 1968 concerning the exercise of trade union rights within enterprises;

g) Act of 11 July amending the Employment Code in order to strengthen the rights of foreign workers;

h) Act of 28 October 1982 concerning the development of institutions of staff representation, and the implementing decree of 8 June 1983;

i) Act of 26 July 1983 concerning the democratization of the public sector and containing provisions relating to the exercise of trade union rights in public sector enterprises.

II. THE TRADE UNIONS

249. France is a country of pluralism where trade unions are concerned. There exist trade unions for employees, employers, various types of agricultural operator (owners, farmers, tenants and employees), the self-employed, and so on. The trade unions are organized into regional, departmental or local alliances. These are brought together into federations, by branch of activity. The alliances and federations form confederations. These alliances, federations and confederations are themselves like trade unions. They may comprise only trade unions.

250. Certain trade unions are recognized as being representative at the national level, and are thus allowed special prerogatives. These are capable of speaking on behalf of a body of workers greater than their membership. They are the CGT (Confédération de Travail), the CGT-FO (Confédération Générale du Travail-Force Ouvrière), the CFTC (Confédération Française des Travailleurs Chrétiens) and the CFE-CGC (Confédération Française de l'Encadrement-Confédération Générale des Cadres).

251. The CGT is organized as follows: trade unions are formed at the level of enterprises or occupations within a place or town, and belong to national federations categorized by field of activity or sector of industry. They are also grouped together geographically into local alliances and departmental inter-occupational alliances. The federations and departmental alliances together form the confederation. In 1992 its membership was 647,292.

252. The CGT-FO comprises around 15,000 trade unions, organized by individual occupation into industrial federations and also on an inter-occupational basis into departmental alliances. It embraces 33 federations and 104 departmental federations, including the overseas departments

and territories. The CGT-FO is a member of the international confederation of free trade unions (ICFTU), the European trade union confederation and the OECD's trade union advisory committee. It has 1,015,000 members.

253. The CFDT is an alliance of trade unions from industry or from the private, nationalized or public sectors. CFDT members belong to branches of enterprises or administrative departments. Their unions are compulsorily and in ordinary law members of an industrial or sectoral federation and, at the inter-occupational level, of a regional alliance that brings together departmental or sectoral inter-occupational alliances, and basic local or inter-occupational alliances. The CFDT is affiliated to the European Trade Union Confederation and the ICFTU. It has 701,180 members.

254. The CFTC comprises enterprise-level, local, regional and national trade unions. With regard to field of activity (industry, commerce, administrative departments), these trade unions are grouped into national federations. Territorially, they are organized into regional, departmental and local alliances.

255. The CFE-CGC is composed of federations and trade unions that are open only to those who hold or have retired from posts involving authority, responsibility and enterprise, with the exception of individuals recognized as permanently enjoying the status and prerogatives of an employer. This category does not include those who hold such status and prerogatives by virtue of their term of office in a trade-union body that represents employees. The CFE-CGC has 183,861 members.

III. THE RIGHT TO FORM AND JOIN TRADE UNIONS

256. Trade union rights were proclaimed by the Order of 27 July 1944, then by the Preamble to the 1946 Constitution: "Every individual shall be allowed to defend his rights and interests by trade unionist activities and to join the trade union of his choice".

257. Article L. 411-2 of the Employment Code guarantees the freedom to form trade unions. No prior authorization or check is required. The law imposes only one formal requirement, namely that the trade union's statutes must be registered at the town hall of the place where it has its headquarters. In addition, the trade union must be composed only of persons exercising the same occupation or similar and closely related trades. Trade union rights also imply that the trade union must be in control of its internal affairs. Trade unions are free to formulate their own statutes and to select their leaders.

258. Trade union rights also apply on an individual basis to every employee.

259. Articles L.411-4 to L.411-6 of the Employment Code concern the freedom to join the trade union of one's choice and to assume posts of responsibility within it, free of discrimination on grounds of sex, age or nationality. However, a trade union can include special entry conditions in its statute and make membership subject to an approval procedure. Article L. 411-8 also establishes an employee's right not to join or to withdraw from a trade union. Under article L.412-2, an employer is forbidden to "take account of union membership or involvement in union activities in decisions concerning, inter alia, recruitment, the management and distribution of tasks, vocational training, promotion, remuneration and social benefits, disciplinary measures and final payments".

IV. THE RIGHT OF TRADE UNIONS TO FORM FEDERATIONS

260. Articles L.411-21 to 411-28 of the Employment Code concern alliances of trade unions (local and departmental) forming a horizontal structure. Although there exists no statute setting out their vertical organization, in practice trade unions belonging to the same branch of industry can come together within federations. The horizontal and vertical structures meet to form a confederation, which is responsible for overall direction.

V. THE RIGHT OF TRADE UNIONS TO FUNCTION FREELY

261. The right of trade unions to form local branches in enterprises to represent their members' interests is covered in article L. 412-6 of the Employment Code. These branches may collect contributions and put up notices, and have the right to hold meetings, which presupposes the availability of premises (art. L.412-7 to L.412-10).

262. The trade unions may also appoint an officer to lead the local branch and represent the union within the enterprise. To those ends, he is credited a number of hours for official duties and enjoys special protection against dismissal.

263. A trade union has the right to take part in court proceedings. Criminal legislation is in place to punish any impairment of the free exercise of trade union rights (offence of interference).

264. Concerning the right to collective bargaining, since 1971 the law has explicitly confirmed employees' right to engage in collective bargaining (art. L.131-1 of the Employment Code). Employees themselves are recognized as having the right to enter into group negotiation of their employment and working conditions and their social guarantees. In order to be effective, the right to collective bargaining assumes that the employers themselves are obliged to negotiate; this has been the case in law since 1982.

265. Much has been accomplished since the Act of October 1982: forming a branch trade union is now possible at any enterprise, regardless of its size. A staff representative can be appointed as union representative at enterprises with at least ten employees, an additional union representative is permissible at enterprises with at least 500 employees. Likewise, a central union representative is now permitted at enterprises with at least 2,000 employees where there are two or more establishments numbering at least 50 employees. The hours credited to union representatives for official duties have been increased. The principle of free movement for the trade union representative inside and outside the enterprise has been recognized. Lastly, the protection afforded to union representatives has been strengthened through the establishment of a right to reinstatement and compensation in the event of improper dismissal.

VI. SPECIAL RESTRICTIONS

266. The right to form trade unions does not apply to members of the armed forces. However, State employees were granted the right by Order No. 59-244 of 4 February 1959. Decree No. 82-447 of 28 March 1982 defined procedures for implementing trade union rights in the civil service and the police.

VII. THE RIGHT TO STRIKE

267. The first clear statement of the right to strike is also contained in the Preamble to the 1946 Constitution, according to which "The right to strike may be exercised within the framework of the laws that regulate it". Moreover, the right to strike is explicitly acknowledged by the Employment Code in article L. 521-1: "...a strike does not break the employment contract, except in the event of gross negligence attributable to the employee".

268. Political strikes are illegal, as are sympathy strikes, since a strike is the collective suspension of work in order to win acceptance for workers' occupational interests. During the exercise of the right to strike, the occupation of work premises is not permitted in principle, and nor are clearly wrongful disturbances, which are liable to punishment.

269. Legal restrictions apply to the right to strike. It does not extend to members of the armed forces or the police. By contrast, it is made subject to certain conditions within the civil service, the relevant legislation being the Acts of 31 July 1963 and 13 July 1987, and articles L.521-2 to 521-6 of the Employment Code. These provisions apply to those who work for the State, regions and departments, and for communes with over 10,000 inhabitants, as well as to the staff of enterprises which are either public or charged with implementing a public service.

270. A planned stoppage of work is subject to prior notice (five days before the start of the strike), which must be given by one of the union bodies with greatest representation at the national level. The reasons for the strike must be stated and the parties are obliged to negotiate. Staggered or rotating strikes are not permitted. Moreover, there are special rules regarding the consequences of certain strike movements on the remuneration of public sector employees. Some public departments are required to maintain a minimum presence in order to ensure provision of certain essential services or to satisfy overriding safety needs.

Article 9

271. The Preamble to the 1946 Constitution, incorporated in the Constitution of 4 October 1958, states: "The Nation shall guarantee to all, notably children, mothers and aged workers, health care, material security, rest and leisure".

I. THE BRANCHES OF THE SOCIAL WELFARE SYSTEM

272. Article L.111-1 of the Social Security Code provides that "social security shall insure workers and their families against risks of any kind likely to reduce or eliminate their earning capacity. It shall also cover the costs of maternity and dependants. It shall provide all other persons and members of their families residing on French territory with coverage in respect of sickness, maternity and dependants. It shall provide benefits in respect of social security, industrial accidents and occupational illnesses, old age pensions and family allowances".

A. Organization of social security

273. The 144 basic schemes which make up social security in the strict sense (aside from supplementary schemes) cover, partly or wholly, expenses relating to health, maternity, invalidity, death, industrial accidents and occupational diseases, widow(er)hood, old age and the family.

274. These schemes may be divided into four broad categories: the general scheme, the agricultural scheme, the scheme for non-salaried workers outside agriculture, and the special schemes.

1. The general scheme

275. This is the main social security scheme. Providing the most extensive coverage for the largest population group, it is the standard system. There are four branches:

a) Health, maternity, invalidity and death;
b) Industrial accidents and occupational illnesses;
c) Old age and widow(er)hood;
d) Dependency.

276. In 1997 this scheme paid out 1040 billion francs in benefits, out of a total 1557 billion francs paid out by all the basic social security schemes combined.

277. The general scheme was originally intended to cover the whole working population. Today, it covers a proportion (80%) of the salaried workers in industry and commerce, and a few related categories.

2. The agricultural scheme

278. This is an idiosyncratic institution concerned with social welfare for those working in agriculture. They number over 5 million, and comprise farmers and employees. The scheme is organized as a mutual benefit society, with 85 agricultural mutual insurance system (MSA) offices at the departmental and multi-departmental levels. The MSA operates a monopoly with respect to health-maternity-invalidity benefit, old age pensions and industrial accidents-occupational illnesses benefits for agricultural wage-earners. However, farmers may freely choose their insurer with respect to health-maternity-invalidity cover and cover against accidents, whether or not occupational.

279. The agricultural scheme operates mostly on the basis of inter-occupational and national solidarity. Agricultural wage-earners are covered by the general scheme, and social protection for farmers is funded from a supplementary agricultural benefits budget (BAPSA).

280. Although, under the general scheme, most agricultural wage-earners enjoy virtually the same coverage as everyone else, gaps exist in the arrangements for farmers. They do not receive invalidity benefits or daily sickness benefits, and their retirement pensions remain modest.

3. Scheme for non-salaried workers outside agriculture

281. Non-salaried workers outside agriculture have a single health scheme and several separate retirement pension schemes. Their dependency benefits are paid under the general scheme. The history of their 17 schemes shows an increasing concern to ensure that benefits remain comparable with those of salaried workers. This is particularly evident from the gradual and

piecemeal manner in which the contributions and benefits paid under their schemes have been brought into line with those of the general scheme, and from the ever-increasing use of external funding.

4. Special schemes

282. There are 137 special schemes, of which only eleven have more than 20,000 contributors. Each scheme has its own, largely uncodified, laws and regulations. The special schemes concern over 3 million wage-earners and other beneficiaries. The largest schemes are for public servants (scheme for civil servants, the military, local authority and hospital employees), the energy sector (independent national miners' welfare fund, electricity and gas utilities), the transport sector (French national railways, Paris regional transport authority, seamen), arts and culture (the national theatres), solicitors' clerks and employees, and ministers of religion.

5. Supplementary schemes

283. These differ from the statutory schemes in that they are of a contractual nature and have been negotiated by the social partners. However, the law requires compulsory membership of supplementary old age benefit schemes, thus bringing them nearer to the statutory schemes and differentiating them from optional schemes. As their name indicates, the supplementary schemes provide their members with benefits additional to those of the basic schemes. They are managed jointly (50-50) by salaried workers and employers.

6. Contractual unemployment benefit scheme

284. The result of an agreement of 31 December 1958 approved by the Government, this scheme is managed by ASSEDIC (associations for employment in trade and industry), which is subordinate to UNEDIC (national association for employment in trade and industry).

285. There are two types of arrangement: an insurance scheme funded through contributions, with the benefits being paid out on the basis of length of affiliation with the social security scheme, and a State-funded scheme for the unemployed who can not or can no longer afford the payments.

B. Types of social security benefits

1. Partial funding of social security benefits through CSG (the universal social contribution)

286. Until recently, social welfare was financed basically through deductions from earned income. The fact that the greater part of this funding (80%) derived from employers' and employees' social security contributions, and that taxation contributed comparatively little, was one of the French system's singular features. This peculiarity reflected the French philosophy in matters of social welfare, whereby benefits had to be largely contribution-based, i.e. they varied in accordance with salary levels and with the rights acquired by employees through their payment of contributions. The tax grants and subsidies paid by the authorities into social welfare schemes constituted only a subsidiary resource.

287. In order to relieve the contribution burden borne by salaried staff and take account of the fact that social security benefits now affected virtually the whole population, a new funding system - CSG - was introduced on a gradual basis with effect from 1 February 1991. This

system constitutes a social levy on all incomes which is used exclusively to fund social security payments and as a means of partially offsetting the normal salary deductions.

288. The basis of contributions applies not only to income from salaried and unsalaried employment, but also virtually all income from replacement sources (retirement pension, invalidity pensions, daily sickness benefits, etc.), investments, property and gambling. The contribution is deducted proportionally "from the first franc" at source by the social organizations, in the same manner as social security contributions.

289. Since 1 January 1998, the deduction has been 7.5% on earned income, investments, property and gambling, and 6.2% on replacement sources. Since that date, the existence of this contribution has led to the virtual disappearance of the deductions made for sickness benefit purposes on salaries, replacement sources and income from unsalaried employment. In 1998, the revenue from CSG amounted to 15% of the income for basic compulsory schemes.

2. Old age benefits

290. The state pension system is highly complex, in the sense that it includes over 500 compulsory schemes. These are of three kinds. The basic schemes, including the general one, pay standard pensions. Contributions are made according to salary level, but there is a ceiling. The maximum amount that can be claimed, after 155 quarterly periods of contributions, is 50% of the reference salary. This is calculated by taking the average of the best fifteen years of the working life in question, adjusting the actual amounts paid for inflation and disregarding any amount above a fixed annual ceiling.

291. Although at the outset old age benefits were intended to be a purely contribution-based mechanism, several non-contributory factors have come to be taken into account in calculating retirement pensions. Non-contributory old age benefits are intended to cover career lapses, and function as a supporting mechanism that ensures a minimum income for the elderly on the basis of allowances granted independently of any payment of contributions. When the resources of a person aged over 65 fall below a given threshold, he is entitled to a supplementary allowance paid by the old age solidarity fund (FSV), which is mostly funded from the CSG.

292. The supplementary schemes are compulsory, except for industrialists and traders. They operate on the basis of sharing, like the basic schemes. Benefits are not calculated from the number of contributions made, but according to a points system: the amount of pension is the product of a total number of points multiplied by a point value that is adjusted according to the resources at the scheme's disposal.

293. Act No. 93-936 of 22 July 1993 determined new conditions for granting retirement pensions. The general social security scheme now provides workers with a pension from the age of 60.

294. At this point, mention should be made of the supplementary schemes (on the whole, for non-managerial staff, a retirement pension based on 155 quarters provides 80% of net salary):

a) For employees who have completed the full 155 quarters, but whose minimum contribution level was below 3,470.9 francs per month by 1 January 1998, the pension funds pay an additional amount up to that level.

b) For others on low pensions or who have no resources, there is a non-contributory "old-age minimum" benefit, amounting to 41,651 francs per year for a single person and 74,720 francs per year for a household. This is a two-tier system that provides elderly people aged over 65 with a guaranteed minimum, comprising a special allowance supplemented or raised as necessary by a further amount from the FSV. The latter provides its non-contributory old age benefits from the public purse.

295. Twenty per cent of the French population is over 60 years of age. They receive three types of assistance:

a) Cash aid: those aged over 65 are guaranteed a minimum income. This comprises the benefit paid to former salaried workers and possible supplementary benefit (compensatory benefit). Foreigners aged over 70 who can prove fifteen years' continual residence in France receive a single grant from the State;

b) Home assistance: as in the case of the disabled, social policy concentrates on measures that enable the elderly to remain living at home. Much progress has been made in this regard over the past 20 years. In addition to medical assistance, the elderly can obtain domestic help (105,000 beneficiaries in 1998) and meals;

c) Accommodation assistance: elderly people who can not be assisted to remain at home may, if they wish, be accommodated in a residential home where meals and services are provided, in a retirement home or long-stay centre, or in a private family home (Act of 10 July 1989). Depending on their resources, residents can receive housing benefit. An elderly person over 65 in need of care or who is insufficiently independent to remain at home can receive this type of assistance subject to the decision of an admissions board. 140,000 people have received accommodation assistance, representing a total outlay of over 6 billion francs paid at the departmental level; the number of beneficiaries has increased at the rate of 8% per year since 1993.

296. In order to meet the needs of dependent persons aged over 60, the Act of 24 January 1997 introduced dependancy benefit, which is a social security benefit in kind, granted and paid for by the departments. This benefit meets two further needs: establishing contractually-based co-ordination between services for the elderly, and reforming the price system operated by the establishments which accommodate the dependent elderly so that it is geared more to their situation than to the legal status of the establishments. This benefit is reduced in accordance with resources, which must fall below a ceiling that varies with the extent of the need for assistance (basic ceiling set at 72,000 francs for a single person and 120,000 francs for a couple).

3. Health benefits

a) Extension of the right to receive benefits

297. Since 30 March 1993, the thresholds with respect to the total amount of contributions and the number of hours required in order to claim health and maternity benefits in kind have been set significantly lower: for one month, contributions amounting to at least 60 SMIC or, for wage-earners, 60 hours (previously 120 SMIC and 120 hours); for three months, contributions amounting to at least 120 SMIC or 200 hours.

b) Content of benefits

i) Benefits in kind

298. Health insurance under the French social security system consists of benefits in kind paid to contributors and their dependants in the event of sickness. Free access to healthcare is assured, through a system based on the reimbursement of costs.

299. The most significant recent legal developments in this respect are as follows:

a) In application of the decision of 26 March 1993 (Official Journal of 30 March 1993), the cost of healthcare relating to sickness caused by the Hepatitis B virus can be reimbursed to those entitled to social benefits;

b) Likewise, Decree No. 93-676 of 27 March 1993 extended the scope for payment of all health expenses relating to long-term HIV-related illnesses, subject to proof of HIV-positive status;

c) Decree No. 94-842 of 26 September 1994 concerning the list of illnesses requiring long-term treatment and especially costly therapy included Hepatitis C among the 30 causes of illness for which the contributor can have medical costs reimbursed.

300. In 1999 the fixed daily fee for hospital care was 70 francs. It is payable on the day of leaving hospital, at public and private facilities participating in the public hospital scheme.

301. The legislation concerning the basis of entitlement to receive health, maternity, invalidity and death benefits was recently amended; the main criterion is the amount of contributions paid or, failing that, the number of hours worked.

ii) Cash benefits: daily sickness allowances

302. In the event of having to take time off work because of sickness, salaried staff and workers in the craft-based industries receive daily cash benefits intended to offset their loss of income.

303. Regarding salaried staff, Decree No. 98-168 of 13 March 1998 provides that, after seven successive months' payment of daily sickness allowance, the normal rate and higher dependant-related rate shall be reduced to 51.49% and 68.66% of basic daily salary, respectively.

304. For non-salaried workers outside agriculture, article 28 of Act No. 94-637 of 25 July 1994 concerning social security states that contributors have the right to receive benefits for one year under conditions set by decree, provided they are up to date with their annual contributions. This measure is intended to avoid breaks in contributions.

305. Article 29 of the same Act provides for payment of daily sickness and maternity benefits in respect of the second salaried occupation of self-employed persons whose main occupation is non-salaried and outside the agricultural sector.

306. Decree No. 95-556 of 6 May 1995 establishes a daily sickness benefit scheme for non-salaried workers in non-agricultural craft-based occupations.

c) Improved access to the right to receive health benefit

i) Parental childcare leave

307. In the event of their not returning to work at the end of parental leave owing to a new pregnancy or an illness, salaried workers regain their entitlement to the same benefits they enjoyed prior to taking parental leave, throughout the new period of absence from work or the new period of maternity leave that follows their parental leave.

308. Persons who return to work following maternity or sick leave that begins during parental leave and continues after its expiry are entitled, once work has restarted, to their previous benefit arrangements for a period of twelve months.

309. Moreover, persons involuntarily deprived of their employment during or at the end of parental childcare leave, and their dependants, are entitled to the compulsory health benefits they received prior to the period of parental leave.

ii) Improved access to benefits for non-salaried workers outside agriculture

310. Article 28 of Act No. 94-637 of 25 July 1994 concerning social security provides that contributors are entitled to benefits for one year under conditions set by decree, provided their annual contributions are up to date. This measure is intended to avoid breaks in contributions.

311. The same article re-establishes the right to receive benefits in kind of a self-employed worker who is behind with his contributions and who either takes up new employment after declaring bankruptcy on grounds of asset deficiency or becomes entitled to an old age pension, subject to proof that he is unable to make up the shortfall in contributions.

iii) Improved access to healthcare: immediate provisional membership of the personal insurance system

312. Article 27 of Act No. 94-637 of 25 July 1994 establishes the principle of immediate provisional membership of the personal insurance system for anyone whose entitlement under a compulsory health and maternity scheme or personal insurance scheme can not be established immediately, provided that person fulfils the scheme's residence requirement.

313. This mechanism allows anyone to enjoy immediate entitlement to health benefits regardless of his social security contributions record. Confirmation of such entitlement or, in the case of disqualification, indebtedness, takes place a posteriori, followed by settlement of the debt as necessary. Should it transpire that the individual has no entitlement to social security benefits, he remains in the social insurance system and is requested to pay contributions. If he has no income, his contributions are paid for him. He becomes a member of the scheme he would normally be expected to join.

iv) "Autonomous beneficiary" scheme

314. Article 59 of Act No. 95-116 of 4 February 1995 provides, inter alia, that the child of a person entitled to social benefits may request, under a procedure established by Council of

State decree and provided he/she is of age, to become an autonomous beneficiary within the same scheme as the entitled person, for the purpose of receiving maternity and health benefits.

315. Moreover, the related implementing order of 30 April 1996, which concerns children of age with entitlement to social insurance, makes the entitled person's social insurance organization responsible for identifying the child in question as an autonomous beneficiary, and for paying the child's individual health and maternity benefits in kind. The autonomous beneficiary option is valid for one year, and is extendable by tacit renewal.

v) Extension of beneficiary status

316. Beneficiary status has been extended to include an individual who has lived for at least a year with an entitled person and is fully and permanently dependent on that person (the dependent person acquires entitlement to health and maternity benefits in kind).

vi) Access to health insurance for persons taking early retirement

317. General scheme. Act No. 96-126 of 21 February 1996 concerns the establishment of a joint employment support fund. The act regulates the system set up by the social partners on 6 September 1995, whereby early retirements are offset by the hiring of people on the unemployment register. The fund pays a special allowance to salaried staff aged under 60 who leave their employment under the scheme.

318. Article 4 of the same act provides that the beneficiaries of the replacement allowance introduced under the social partners agreement of 6 September 1995 are entitled to receive health and maternity benefits in kind for as long as the replacement allowance lasts, without having to join the personal insurance system at any time prior to taking their normal retirement.

4. Family benefits

319. Act No. 90-590 of 6 July 1990 extends the scope of the schooling allowance (a single means-tested payment made to families with children in school) to include:

- Families in receipt of family allowance and either individual housing benefit, disabled adults benefit or income support (Decree No. 90-526 of 28 June 1990);
- Children aged under 18 at school or university or following an apprenticeship, provided any income they receive does not exceed 55% of the SMIC (Decree No. 90-776 of 3 September 1990).

a) Provisions contained in the Family Act of 25 July 1994

i) Extension of the parental childcare allowance (non-transferable)

320. Previously payable only on the birth of a third child, this allowance now applies to families with a second dependent child born after 1 July 1994. Since entitlement to this benefit is intended to compensate for loss of income resulting from leaving work or converting to part-time work, the beneficiary must have exercised an occupation prior to the child's birth or date of arrival in the home.

321. The full parental childcare allowance is payable on cessation of work. A partial allowan may be payable to parents working part-time, subject to assessment of their working hours. F certain categories of commercial traveller and those in non-salaried occupations, the allowan is also subject to ceilings on earned income.

ii) Measures applicable in the event of multiple births

322. Since 1 July 1994, the entitlement of families who have experienced multiple birtl involving at least three children has been extended, enabling them to receive parental childca allowance until the children reach six years of age.

323. For the children of a multiple birth that occurred after 1 January 1995, a means-teste child allowance is now payable until the third birthday.

iii) Introduction of an adoption allowance

324. Established by the Act of 25 July 1994, the adoption allowance is granted for six montl in respect of children adopted by decision of the French courts or the competent foreig authorities and children entrusted for pre-adoption care by the children's welfare service or b an approved charity.

325. Since January 1995, this benefit has been payable for children who arrived in the hom after that date. It has been subject to means-testing since 1 August 1996.

b) Maternity benefits

326. Medical care during pregnancy is covered in articles L. 331-1 and L. 331-2 of the Socia Security Code, which provide that maternity insurance shall pay for all of the costs o treatment, medicines, equipment and hospitalization associated with pregnancy, birth an aftercare. In particular, the compulsory prenatal examinations in the third, sixth, eighth an ninth months of pregnancy are fully reimbursed, as are the two optional examinations at fou and six months.

327. Provision is also made for pregnant women to be exempted from paying the patient' contribution towards health insurance, for a period starting four months prior to the due dat and ending with the date of birth.

328. Daily maternity benefits are set by Decree No. 95-1361 of 30 December 1995 amendin the Social Security Code, and by the Decision of 30 December 1995 concerning the procedure for calculating the net daily earnings mentioned in article R. 331-5 of the Social Security Code.

329. A new provision entered French law in 1995. In its first article, introducing a new articl D. 161-2 into the Social Security Code, Decree No. 95-423 of 20 April 1995 provides tha persons who return to work after parental childcare leave or after sickness or maternity leav following on from parental leave shall regain, for the first twelve months following resumptio of work, their entitlement to the cash benefits and benefits in kind, in respect of maternity-health, invalidity or death, that they were entitled to receive prior to payment of parenta childcare allowance or the start of parental childcare leave.

5. Unemployment benefits

330. Only one form of benefit exists - a single allowance paid on a sliding scale. There are two payment periods: the first is paid at the full rate, and the second, which starts when the first ends, is paid in units of 182 days according to a scale of reductions. The length of the full- and reduced-rate periods, and the scale of the reductions, are geared to the length of time worked in the months prior to loss of employment.

331. Application of the scale of reductions must not cause the amount of the benefit to fall below the level of either the former end of entitlement grant (AFD) or the higher AFD formerly payable to beneficiaries aged over 52 who met certain requirements.

332. The rules for calculating unemployment benefit have not changed. They are the same as those which were in force prior to 1 August 1993 (40.4% of the reference salary, plus a fixed amount).

C. Benefit levels (rates applicable on 1 January 1998)

333. The following amounts are applicable:

1. Social assistance for the elderly

a) Cash allowance for persons living at home: 1,428.91 francs per month. Annual income ceilings: Single person 42,193 francs, couple 73,906 francs;

b) Home assistance: 30 hours per month of home assistance. Typical domestic service allowance: 60% of home assistance costs;

c) Placement in accommodation: the minimum amount allocated for each person placed is 412 francs per month.

2. Unemployment

a) Partial unemployment: the standard amount paid is 50% of the previous gross hourly remuneration, including public assistance. Ceiling: 29 francs per hour;

b) Unemployment benefit: single degressive benefit (AUD) at the normal rate: 58.35 francs plus 40.4% of the daily reference salary or 57.4% of the daily reference salary. Minimum amount 142.24 francs per day, maximum 75% of the daily reference salary. AUD at the reduced rate: 101.91 francs per day (general); 127.82 francs per day (unemployed aged over 52);

c) Training-redeployment allowance: minimum 145.09 francs per day;

d) Special conversion allowance: 83.4% of previous gross salary for the first two months; then 70.4% of previous gross salary for the next four months. Minimum 142.24 francs per day;

e) Solidarity allowance: integration grant (for freed prisoners and persons awaiting reintegration or redeployment) 43.70 francs per day. Monthly income ceilings: single person 3,933 francs, couple 7,866 francs;

f) Special solidarity allowance: generally 74.01 francs per day. Unemployed persons aged over 55 able to prove ten years of paid work receive 106.30 francs per day. Monthly income ceilings: single person 5,180.70 francs, couple 10,361 francs.

3. Disabled persons

a) Disabled adults allowance (AAH): 3,470.91 francs per month. Minimum in the event of hospitalization 590 francs per month, and in the event of going into accommodation or into prison 412 francs per month;

AAH supplement: 555 francs. Annual income ceilings: single person 42,493 francs, couple 84,386 francs, dependent child 21,096.5 francs;

b) Attendance allowance: from 2,263.25 to 4,526.5 francs per month. Annual income ceilings: AAH ceiling increased by the amount of the allowance;

c) Special training allowance: 675 francs per month. Supplement 1st category 512 francs per month, supplement 2nd category 1,535 francs per month, 3rd category 5,658 francs per month.

4. Invalidity

a) First category pension: 30% of basic salary. Minimum 1,444 francs per month, maximum 4,227 francs per month.

b) Second and third category pensions: 50% of basic salary. Minimum 1,444 francs per month, maximum 7,045 francs per month. Increase for attendant person 5,656.12 francs per month.

5. Pensions

a) Old-age pension: minimum 41,651 francs for 150 monthly quarters of contributions. Annual maximum 84,540 francs;

b) Supplementary allowance: sole beneficiary 2,026.25 francs per month, couple both receiving pension 1,650.50 francs per month each. Annual income ceilings: single 42,658 francs, couple 74,720 francs.

c) Special old-age allowance and elderly salaried employee allowance: 1,428.91 francs per month. Ceiling as above;

d) Minimum old-age pension: single persons 3,470.08 francs per month, couples 6,226.66 francs per month. Ceiling as above;

e) Reversion pension: 54% of the pension of the deceased partner. Minimum of 1,444.66 francs per month, with an increase of 496.78 fpm for a dependent child. Annual income ceiling 82,014 francs per month;

f) Incapacity pension: Annual minimum 17,174 francs. Quarterly income ceiling 9,857 francs;

g) Widow(er) pension: 3,107 francs per month during first year, 2,041 francs per month during second year, 1,554 francs per month during third and subsequent years, if allowance continues until 55 years of age. Quarterly income ceiling 11,651 francs.

6. Family benefits

a) Family allowance: Monthly basis of calculation 2,131.68 francs. Monthly amounts: 2 children 682 francs, 3 children 1,556 francs, 4 children 2,430 francs, each additional child 874 francs. Increase for child aged over 10 years 192 francs per month, for child aged over 15 years 341 francs per month. On a provisional and transitional basis, in 1998 the Government linked family allowance to income. The ceiling was set at 30,000 francs net per month for families with 3 children and 32,000 francs per month for families in which both parents work and for single-parent families;

b) Young children allowance: 980 francs per month. Annual income ceilings: one income, one child 107,665 francs; one income, two children 129,198 francs; each additional child 25,840 francs. These income levels increase by 34,618 if both parents work or if a parent is alone;

c) Parental childcare allowance: Total cessation of work: 3,039 francs per month. Part-time work (or paid vocational training): up to 50% of full-time: 2,010 francs per month; from 50 to 80 % of full-time: 1,520 francs per month; previous scheme (return to work part-time): 1,520 francs per month;

d) Single parent allowance: Minimum guaranteed income, 3,198 francs per month (pregnant woman with no children); 4,217 francs per month (single parent with one child); 1,066 francs per month (each additional child);

e) Family supplement: 888 francs per month. Annual income ceilings as for young child allowance;

f) Returning student allowance: 422 francs per month for the 1997 school year. Income ceiling 100,337 francs (couple with one child), 23,155 francs (each additional child);

g) Family support allowance: child orphaned from both parents 640 francs per month; child orphaned from mother or father 480 francs per month;

h) Adoption allowance: 880 francs per month. Annual income ceilings as for young child allowance;

i) Family grant to pay for an approved maternal assistant: for each child aged under six months: the total of the employer's and the employee's contributions up to a limit of 189.55 francs per day, plus 811 francs per child aged under 3 years and 410 francs per child aged between 3 and 6 years;

j) Childminder allowance: partly compensates for the cost of employing a child minder, below a ceiling that varies in accordance with household income and child age.

D. Contribution levels

334. Social security contributions are calculated as follows:

a) CSG: 7.5% of total salary, less 5% (monthly ceiling 14,090 francs);

b) Sickness: 12.8% from employer; 0.75% of employee's total salary;

c) Widow(er): 0.1% of employee's total salary;

d) Old-age pension with contribution ceiling: 8.2% from employer; 6.55% from employee's salary subject to ceiling;

e) Old-age pension with no contribution ceiling: employer pays 1.6% of total salary;

f) Family allowance: employer pays 5.43% of total salary;

g) Industrial accident: variable proportion of total salary;

h) Unemployment: from zero to 14,090 francs: employer's portion 5.15%, employee's portion 3.01%. From 14,090 francs to 56,360 francs: employer's portion 5.26%, employee's portion 3.60%.

II. EXPENDITURE ON SOCIAL SECURITY

335. Spending on social security amounted to 2,496 billion francs in 1998, representing 29.25 of GDP. Over three-quarters of these benefits concerned retirement/survivor pensions and healthcare, respectively 43.4% and 33.4% of the total. The proportion of total benefits subject to income was 13%. Social security spending rose by 2.9% in real terms in 1998, and the average annual increase the period 1995-98 was 3.1%. Benefits received by households accounted for 94.8% of total social security expenditure.

III. ENTITLEMENT TO SOCIAL SECURITY

336. Equality of treatment has largely been achieved for most occupational schemes applying to salaried employees and for the occupational schemes applying to non-salaried workers outside agriculture. Any discriminatory treatment consists of positive discrimination towards women. For example, the age of entitlement to a reversion pension has been lowered in favour of widows. However, for managerial staff, the age of entitlement to a reversion pension (60) is the same for both sexes. In this regard, the Preamble to the 1946 Constitution establishes that " The law shall guarantee women equal right to men in every sphere".

A. Specific cases

1. Craft-based, industrial and commercial occupations

337. Spouses may choose one of the following three options: salaried spouses (general scheme), associate spouses (non-salaried workers), and collaborating spouses (voluntary membership of pension scheme, with possibility to redeem contributions over later periods).

2. Self-employment

338. Surviving spouses may now accumulate rights for themselves, under any social security scheme, and collaborating spouses may acquire their own pension rights.

339. Lawyers may become voluntary members of a pension scheme for non-salaried workers outside agriculture.

3. Non-salaried workers in non-agricultural occupations

340. Non-salaried workers in non-agricultural occupations can receive the following benefits:

a) Health-maternity insurance;

b) Maternity grant and redeployment allowance;

c) The Act of 4 February 1995 also improves the benefits payable to women who are affiliated in a personal capacity to a non-salaried workers scheme.

B. Social assistance for the disabled

341. The Act of 30 June 1975 constitutes a charter for the disabled. Policy on the disabled is now regarded as a mainstream national concern that has moved away from social assistance to become a part of the social security system.

342. Five million is the figure most often quoted for France's disabled population. The following measures apply:

a) Disabled persons identity card: issued by the State on confirmation of a permanent incapacity level of 80% or above, for a limited or indefinite period;

b) Disabled adults allowance: established by law in 1975, the AAH is a guaranteed minimum granted to disabled persons whose income is below a certain ceiling. Granted to those with at least 80% incapacity or who have at least a 50% incapacity level that prevents them from finding work;

c) Compensatory allowance: provides compensation for expenses incurred by disabled people in everyday life or at work because of their handicap (including payment for an attendant person to help with routine tasks). Spending on this allowance by the departments rose from 4.4 billion francs in 1984 to 9 billion in 1995;

d) Single grants to assist independence: the objective here is to help disabled persons with less than 80% incapacity to remain in their own homes by covering the additional costs arising from their handicap;

e) Placement in an establishment providing specialized medical care: these establishments are defined in the Decree of 26 December 1978, and provide special care for disabled adults whose state of health requires it. Through health insurance, the State pays for stays in vocational retraining centres, "support through work" centres (CAT) and specialized residential facilities;

f) Placement in reception centres offering work or activities: these establishments eithe function as an adjunct to a CAT or offer vocational and organized activities. By the end o 1995, they accommodated 90,000 people, at a cost of 10 billion francs;

g) Placement in a family home: introduced by the Act of 10 July 1989, placement of th disabled in family homes is the responsibility of the president of the Conseil généra responsible for approving the families. Such approval may be granted for two or three people The cost of the placements, once approved by the social services, is borne by the department;

h) Help with meals: designed to help disabled people to live in their own homes, thi measure takes two forms:

- restaurant/reception centre: offers disabled persons in the neighbourhoo meals and activities designed to help combat isolation;
- meals at home: meals are delivered to disabled people who ar demonstrably unable to leave home;

i) Home assistance: an effective component of the policy to help the disabled to continue living at home, this measure provides assistance from the social services aimed a maintaining good order in the home. The disabled person decides on the level of participatio required.

IV. COMPLEMENTARY SOCIAL PROTECTION

343. Alongside the coverage provided by the public social protection schemes, there exists a system offering additional cover through mutual benefit organizations. These private, non-profit bodies manage members' contributions in their and their families' interests, throug programmes geared to mutual aid, solidarity and contingency. Their objective is to prevent, o address the consequences of, individual social risks to members through protection relating t maternity, childhood and the family, old age and disability, and measures geared to cultural, moral, intellectual and physical development and the improvement of living standards. Thi complementary protection, either compulsory or optional, is administered by both providen and insurance organizations. The protection they provide offsets the partial compensatio offered by the social security system.

Article 10

344. The purpose of the framework law concerning measures against exclusion is to ensur effective access to all basic rights throughout French territory, especially with regard to famil and child protection. To that end, reception and social reintegration centres (CHRS) accept seriously destitute people with a view to finding a solution that prevents their separation o should that prove impossible, to establishing, together with the individuals concerned, schemes that will enable them to reintegrate as soon as possible; the centres monitor these schemes unti their conclusion. Each department produces a plan for CHRS provision in relation to the needs of families, and is responsible for providing the necessary resources. This obligation to strive t maintain family unity also applies to social services programmes in respect of child welfare, children's homes, family placement facilities, and mother and child facilities.

345. Likewise, the social services provide information and guidance for people in difficulty who need accommodation. The tasks of this service are to assess the urgency of the individual or family needs concerned, to provide an immediate response by finding an establishment or department able to provide accommodation, and to implement that response without delay in collaboration with public services.

346. Finally, in ordering that a child should be placed in a residential institution, a judge can stipulate that, to the extent possible, the institution must be located as near as is necessary in order to facilitate parental visiting rights. The Act of 30 December 1996 concerning the maintenance of family ties in the event of child placement also legislated in favour of conserving family unity.

I. FAMILY PROTECTION

A. General

1. The age of majority

347. In France, under Act No. 74-631 of 5 July 1974 the age of majority is set at eighteen years. At this age, one becomes capable of all acts in civil law (art. 448 of the Civil Code). However, the emancipation of minors is recognized by article 476 et seq. of the Civil Code. A minor is emancipated automatically by marriage and may become so, once having reached sixteen years of age, by decision of a guardianship judge. Like a person of full age, an emancipated minor is capable of all acts in civil law. However, in order to marry or become adopted, he must comply with the regulations as if he had not become emancipated.

2) The right to marry and to start a family

348. The right to marry and to start a family is granted to men aged eighteen and over, and to women aged fifteen and over (art. 144 of the Civil Code). However, the Act of 23 December 1970 provides that the public prosecutor in the place where the marriage is celebrated may grant exemption from the age requirement for serious reasons. The act of marriage requires the consent of the parties (art. 146 of the Civil Code), and its absence is grounds for nullity. The parties must appear in person before the registrar. The marriage must be freely entered into, and the future spouses must be able to change their minds until the last moment. Once the marriage is concluded, the spouses are responsible for feeding, supporting and bringing up their children (art. 203 of the Civil Code). The spouses must together provide their children with guidance on moral and material matters. They must provide for their children's education and prepare for their future (art. 213 of the Civil Code).

349. The woman has the same rights and responsibilities as the man throughout the marriage.

350. Within the family unit the parents are of equal standing as regards their relations with their children (Acts of 4 June 1970 and 23 December 1985 concerning parental authority).

351. Each of the spouses may individually sign contracts concerned with maintaining the household or bringing up the children.

3. Measures for helping to start and support a family

352. Protection of the family by the State is guaranteed in the Preamble to the 1946 Constitution: "The Nation shall assure to every individual and family the conditions necessary for their development". French legislation supports the family through various types of assistance and social benefits.

353. Family benefits is the most unified of the four branches of the State social security system, in that the benefits are all of the same amount and are subject to the same conditions, regardless of the family's socio-professional standing. Also, only three types of organization are involved: family allowance offices, agricultural mutual insurance offices, and governmental branch offices.

354. In 1994 the family benefits system covered 6.2 million families and 13.1 million children, including 5.9 million families and 12.4 million children residing in metropolitan France. The general scheme accounted for 88.6% of the benefits paid.

B. Family benefits

1. General conditions of entitlement to family benefits

355. Since 1 January 1978, any family residing in France and containing one or several children has had the right to family benefits. No payment is made beyond a certain age limit.

a) The concept of residence in France

356. Both the French and foreigners residing in France may receive family benefits. Foreigners are required to produce a valid residence permit attesting to the lawful entry and residence of their dependent children.

357. Under EEC Regulation No. 1408/71, a salaried worker (or a person receiving unemployment benefits) from an EU member state who is living in France is entitled to receive the following benefits on behalf of his family residing in another EU member state: family allowance, family supplement, family support and one-parent family allowances, young children's allowance from age 4 months to age 3 years, schooling allowance and special education allowance.

b) Age limit for payment of family benefits

358. Family benefits are paid for dependent children aged up to 16, or until they finish compulsory education. It is planned to extend payments until the age of 20 for children with no occupation and until the age of 22 for apprentices, those undertaking vocational training, disabled children and students (Act of 25 July 1994). The children's income must not exceed 55% of the SMIC.

c) Increase in means

359. The concept of vertical income distribution, to which certain benefits are geared, implies that benefits are granted to persons whose income does not exceed an exclusion threshold. This applies to:

i) Housing benefit, with regard to the incomes of the applicant, his/her spouse, and persons normally residing in their household.

ii) Single parent allowance, with regard to all means of whatever kind - including the greater part of any family benefits - received by the applicant in the three months preceding payment of the allowance.

2. Family benefits and childminder allowances payable from 1 January 1996

a) Maintenance benefits

i) Family allowance

360. In 1994 family allowances and increases thereto cost 71 billion francs, or 47.7% of the total of family benefits paid. They are granted, without regard to means, from the second child onwards. The amount varies according to the number of children: 32% of the monthly assessment base for two dependent children, 73% for three and 41% for each additional child (cf. amounts in Annex 1).

ii) Family supplement

361. This benefit, which is means-tested, is paid to households or individuals with at least three dependent children aged three years and over. Family supplement can not be combined with the family childcare allowance paid to families who have triplets or more aged between three and six years.

b) Benefits relating to birth and infancy

i) Young children allowance

362. The young children allowance is paid, subject to resources, from the fourth month of pregnancy to the child's third birthday (order of 20 January 1996).

363. At the time of a multiple birth, subject to the condition on resources being met, the monthly amounts due for each child except the first are paid, up to and including the birth-month.

364. The young children allowance helps an expectant mother to pay for the expenses of pregnancy and birth, and encourages her to undergo the examinations needed to protect her and her baby's health, thus addressing concerns about preventive health.

ii) Parental childcare allowance

365. This benefit, introduced on 1 January 1985, was renewed by the Act of 29 December 1986, then by the Act of 25 July 1994. Its objective is to provide financial assistance for a parent who has given up a vocational activity or is working part-time following the arrival of a second (or later) child.

366. The granting of parental childcare allowance for a second child takes account of certain situations relating to the vocational activity, including periods of unemployment benefit and paid vocational training.

367. Full-rate parental childcare allowance is granted to a parent who has ceased all vocational activity. A partial allowance is granted to a parent who is working part-time or engaged in part-time paid vocational training.

368. This allowance is paid until the third birthday of the child to whom it relates. However, it is paid until the sixth birthday for children of multiple births involving at least triplets.

c) Allowances for specific purposes

i) Adoption allowance

369. Established by the Family Act of 25 July 1994, this benefit is intended to provide assistance for a limited period for all families who adopt a child through decision of the French courts or the competent foreign authorities, or who are entrusted with a child by the child welfare service or an approved charity with a view to adoption.

370. The Act of 5 July 1996 made the granting and length of payment of this allowance conditional upon means. In addition, the benefit is paid for 21 months following an adopted child's arrival in the home.

ii) Special childcare allowance

371. The special childcare allowance, established by the Act of 30 June 1975, is intended to compensate for part of the additional cost borne by anyone with a dependent child suffering from a permanent disability.

372. A supplement to this allowance may be granted for a child whose disability, by its nature or gravity, requires particularly expensive measures or the attendance of a third party.

373. After the age of twenty, a disabled person is guaranteed a minimum of resources equivalent to the minimum old age pension. This allowance for disabled adults is paid by the State and administered by the family allowance offices.

iii) Benefits that address isolation

a) Single parent allowance

374. This benefit was established by the Act of 9 July 1976, with the aim of providing temporary assistance for those who are widowed, divorced, separated (in law or de facto), abandoned or single, and have at least one dependent child.

b) Family support allowance

375. This benefit was introduced by the Act of 23 December 1970, amended by the Act of 22 December 1984, and is intended to help a surviving spouse, single parent or family bring up orphaned children in their charge.

iv) Returning student allowance

376. Introduced by the Act of 16 July 1974, this is a family benefit designed to help families cover part of the costs incurred when children return for a new academic year.

377. Since the start of the 1990 academic year this allowance, previously confined to children in compulsory education (i.e. from age 6 to age 16), has also applied to children aged under 18 who are at school, university or taking an apprenticeship, subject to a personal earnings limit of 55% of the SMIC, and in accordance with parental means.

v) Schooling allowance

378. This was introduced by the Family Act of 25 July 1994 as a State-funded substitute for the maintenance allowances paid in respect of non-agricultural courses in lower secondary schools (colleges).

379. The schooling allowance is paid for each child aged from 11 to 16, to families receiving a family benefit, individual housing benefit, disabled adults allowance or income supplement. Payment is made in the July preceding the return to school. The family's income for the reference calendar year must fall below a ceiling that takes into account the number of dependent children.

d) Childminder allowances

i) Home childminder allowance

380. This benefit was introduced by the Act of 29 December 1986 in order to help working parents to employ someone in their own home to mind their children aged under six. There are 63,000 beneficiaries.

ii) Family grant for employing an approved maternal assistant

381. This grant was introduced by Act No. 90-590 of 6 July 1990 as part of a package of measures intended to promote childminding and meet the needs of parents having to cope with the demands of starting or extending a family.

3. Family benefits in the overseas departments

382. These are paid to 245,000 families and for 455,000 children. The family benefit scheme operating in the DOMs differs from that in metropolitan France, on account of their specific demographic, economic and social characteristics. In particular, the following should be noted:

a) Family allowance is paid from the first child;

b) Since 1 July 1978, family supplement has been payable to families with one child aged under five months, whose resources are below a certain ceiling;

c) Concerning entitlement to housing benefit, since 1 April 1995 the age limits for dependent children have been raised from 18 to 20 in respect of non-working children, and from 20 to 22 in respect of students, apprentices, and the disabled; a salary ceiling of 55% of the SMIC applies in both cases.

d) Amounts of family benefit reflect the local situation. A compulsory social fund, financed from family benefits, provides assistance in kind and also supports school canteens.

383. Family allowance levels were brought in line with those in metropolitan France on 1 July 1993.

384. Under the Family Act of 25 July 1994, the home childminder allowance and the adoption allowance were introduced in DOMs under the same conditions as those applicable in metropolitan France, with effect from 1 January 1995.

385. From 1 January 1996, the young children allowance and the parental childcare allowance also became available in the DOMs.

4. Other benefits

a) Pension scheme for parents at home

386. Introduced to benefit non-working mothers under the Act of 3 January 1972, then extended to parents who remain at home by the Act of 4 January 1985, this scheme entitles single people, or one member of a couple who has no work or very low income and receives certain family benefits (family supplement, young children allowance, single parental childcare allowance), to free compulsory affiliation to the general pension scheme, provided the household income falls below a certain ceiling.

387. Also entitled to such affiliation are parents, single or in a couple, whose income does not exceed the ceiling for family supplement and who have in their charge:

a) A disabled child aged under 20 who has not been accepted for a residential place and suffers from at least 80% permanent incapacity;

b) A disabled adult whose permanent incapacity is at least 80% and whose continued presence at home has been recommended by the committee for vocational guidance and readaptation.

b) Personal insurance

388. Under the Act of 2 January 1978 concerning the wider application of social security measures, personal insurance is open to " any person resident in France who has no entitlement of any kind to benefits in kind under a sickness-maternity scheme". This affects:

i) Those who do not or no longer belong to a compulsory sickness insurance scheme, either as contributors or dependants;

ii) Wage-earners whose working hours or contributions do not entitle them to health-maternity coverage;

389. An individual's contributions to a personal insurance scheme may, at his request, be taken over entirely by a third party, provided the requesting person:

i) Is already receiving one or several family benefits;

ii) Has a total income below a certain threshold.

c) Tax advantages

390. The tax system contains several measures designed to relieve the burden on families (exemption of family allowance, discounting of children in the calculation of tax, tax reduction for childminding).

II. PROTECTION OF MOTHER AND CHILD

A. Scope of protection

1. Leave and authorized absence

a) Prenatal

391. Article L. 122-25-3 of the Employment Code permits an employee to take authorized absence in order to undergo compulsory prenatal examination. For the purpose of establishing rights, these absences are treated as time worked.

b) Perinatal

392. An employee may suspend her employment contract for a period commencing six weeks before the due date and ending six weeks after delivery.

c) Post-natal

393. A nursing mother is entitled to one hour per day during working hours, divided into two 30-minute periods, one in the morning and one in the afternoon.

2. Pregnancy and the employment contract

394. A pregnant woman is not required to reveal her condition on being hired for employment. She can not be dismissed for hiding her pregnancy. An employer may not terminate a probationary period of work on the grounds of an employee's pregnancy. An employee may resign without notice, provided her pregnancy is clearly apparent.

395. Prior to the maternity leave and for four weeks thereafter, the employer can not dismiss the employee except on grounds of serious misconduct or negligence not related to the pregnancy, or if the employment contract can not be resumed for a reason not connected with the pregnancy (economic causes or re-organization of workplace).

396. During maternity leave, it is forbidden to dismiss the employee except on grounds of gross negligence or force majeure. Maternity leave is taken into account in calculating length of service, paid leave, payment in lieu of notice, and redundancy payments.

397. The employee is entitled to health benefits equal to 84% of her latest gross salary. At the end of the maternity leave, she must be given either her previous job or a similar job paid at the same salary.

398. Under the Family Act of July 1994, maternity leave may be extended in the event of a multiple birth. Parental leave is obtainable by right in private-sector enterprises with fewer than 200 employees. It may be taken on a part-time basis in the civil service.

3. Rights of parents following the birth of a child

a) Postnatal leave

399. Provided the employer is informed by registered letter at least 15 days in advance, an employee may terminate his/her contract at the end of maternity or adoption leave, or if necessary up to two months after the child's birth or arrival, in order to look after a child. The normal period of notice is not required, and no damages for breach of contract are payable. In the year following the break in contract, the employee may ask to be re-employed. The employer is then required to do so as a matter of priority within one year.

b) Parental childcare leave

400. Article L. 122-28 of the Employment Code permits any employee with at least one year's service by the child's birth date or by the arrival in the home of an adopted child or one who is awaiting adoption, to take parental childcare leave, during which the employment contract is suspended. The child in question must be below school-leaving age.

401. Parental leave and periods of part-time work must end at the latest by the child's third birthday or, in the case of adoption of a child aged under three, three years after the child's arrival in the home.

B. Duration of maternity leave

1. Ordinary leave

402. Article L. 122-26 of the Employment Code gives an employee the right to suspend her contract for a period commencing six weeks before the due date and ending six weeks after it.

403. This period may commence eight weeks before the due date and end eighteen weeks after it if, prior to the birth, the employee herself or her household becomes responsible for at least two children, or if the employee has already given birth to two viable children.

2. Multiple births

404. When a multiple birth is expected, the period of contract suspension commences twelve weeks before the due date, twenty-four weeks if more than two children are born, and ends twenty-two weeks after the birth.

3. Death of the mother

405. If the mother dies during her maternity leave, the father has the right to suspend his employment contract for a maximum of six weeks, starting from the child's birth date.

4. Adoption leave

406. Adoption leave may be granted for the following periods:

a) Ten weeks from the date of the child's arrival in the household;

b) Eighteen weeks if the adoption brings to three or more the number of children for whom the employee or the household is responsible;

c) Twenty-two weeks for multiple adoptions (idem).

407. The period of contract suspension may be shared between the mother and father.

408. Article L. 122-28-10 of the Employment Code permits an employee who has been given the necessary approval to take unpaid leave in order to travel to an overseas department or territory for the purpose of adopting one or several children. The maximum period is six weeks by consent.

III. PROTECTION OF CHILDREN AND YOUNG PEOPLE

A. Children in social difficulty

409. Since 1958, France has developed a genuine child protection policy. The protection of the child is primarily a matter for his parents, as holders of parental authority. This is a right that must be exercised in the child's interest in order to protect his safety, health and character. The parents may be assisted in their task by the children's welfare services.

1. Administrative protection

410. In the event of family or personal difficulties of any kind which threaten family stability and place the child under physical or psychological duress, the statutory services intervene. These are the department for protection of the mother and child, the child welfare service, and the local social services department. All three come under the authority of the Conseil général of the department (or territorial collectivity). They are organized as follows:

a) Social workers operating from local offices;

b) Teams of child welfare workers, doctors and paramedical workers concerned with mother and child protection, and psychologists.

411. They offer funding and support, and a temporary placement for the child if necessary.

412. Two other services, for which the State is responsible, help with the screening process and can offer families support: the department of child and juvenile psychiatry and the schools health service.

2. Policy concerning abused children

413. Alongside the development of social measures relating to children in difficulty, a number of policy changes have taken place with regard to abused children in the past decade. At first concerned with battered children, this policy has come to focus more on detailed study of the mother-child relationship, and is now based on a preventive approach that takes full account of the physical, psychological, sexual and institutional aspects of the ill-treatment suffered by children.

414. Prevention campaigns involving all the relevant ministries have been organized. Manuals have been produced for professional use, and handbooks have been made available to parents and children.

415. The Act of 10 July 1989 improved the mechanisms of prevention, protection and punishment. A children's national telephone service has been set up. This is free, and has the three-fold objective of offering callers information and advice, alerting the statutory services about reported cases, and contributing to epidemiological studies.

3. Legal protection: educational measures

416. When the health, safety and character of a child are at risk (art. 375 of the Civil Code), a youth court may order such educational measures as are necessary for the child and the family. In the most serious cases, when the harm done to the child constitutes a criminal offence, proceedings can be taken against the perpetrators.

417. Legal intervention is exceptional, and concerns only the most serious cases where a dangerous situation exists. Children's judges (306 divided among 137 youth courts) may then order that the minor and his parents undergo educational measures.

418. The aim of educational measures is to protect the endangered child and remedy the problems that threaten his normal development. They are not intended to keep a minor away from his family indefinitely.

419. Before deciding on the merits (the minor either remains in the family or is placed in care) the judge carries out an investigation, which may include a social inquiry, a medical-psychological examination, an interview, and even observation in a neutral setting.

420. When a minor is not placed in care and the judge considers that a child is in danger and intervention is needed, he may order measures of an educational nature. These involve bringing support and advice to the family to help it overcome the material and psychological problems it is experiencing. If the family prevents such measures, the children's judge can alter his decision and order the child to be withdrawn from the family, bearing in mind that the intention of the Acts of 6 June 1984 and 6 January 1986 concerning child protection is that placement must be avoided as much as possible.

4. Children deprived permanently of a family

421. This means essentially children with no known relations, children formally and permanently consigned by their parents to the children's welfare department, or those about whom a declaration of loss of parental authority or of abandonment has been made by the

courts. Such children are taken in by private individuals, private charities or the child welfare department.

422. The children entrusted to the authorities fall into two categories: wards of State, placed under the guardianship of the prefect, assisted by a family committee (comprising members of families associations, leading professional figures and members of parliament), and children under the protection of the child welfare department.

423. Wards of State:

a) Children formally abandoned by their parents and foundlings with no known relatives;

b) Children abandoned by their father or mother, the other parent having failed to make an appearance;

c) Children who have been handed over to the child welfare service by persons not entitled to give consent to their adoption;

d) Children whose parents have been stripped of parental authority, have died, or who, having completely renounced the child for a year, have given cause for a court declaration of abandonment.

424. The children entrusted to the child welfare department, but whose parents have retained parental authority over them, are not wards of State. They are simply being placed under the protection of the authority that takes them in. These children fall into several categories:

a) Children taken in temporarily, for example when the parents are ill;

b) Children under control and care, meaning those for whom parental authority has been partly withdrawn or whose parents have been, for another reason, deprived of the right to exercise physical custody over them, that having been transferred to the child welfare department;

c) Rescued children;

d) Children on probation.

425. An adoption law was passed on 5 July 1996. It brings French law into line with the Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption.

426. On 31 December 1997, there were 3,300 wards of State, reflecting a sharp downward trend. Also in 1997, some 3,500 foreign children were adopted by the French, bringing the total to over 33,000.

427. The legislation on adoption has established the principle of equality of the social rights attached to birth and adoption, especially with regard to social benefits. The main objectives were:

a) Adoption of all children deprived of their family, even adolescents or those supposedly difficult to adopt owing to their health, disablement or ethnic origin;

b) Greater flexibility in the conditions attached to adoption and fewer formal requirements for applicants;

c) More help for adopters through appropriate support measures and by equating adoption with birth for the purpose of granting family benefits;

d) To ensure a balanced solution with regard to secrecy of origin, one that respects the biological parents, the adoptive parents and the child.

B. Protecting the child against exploitation

1. Protection against cruelty, exploitation and sexual abuse

428. The Act of 1 February 1994 allows proceedings to be brought in the French courts against any person suspected of sexual interference with a minor aged up to 15 for payment, even if the offence is committed abroad and the child is not French. As an exception to ordinary law, French law becomes applicable, and the perpetrator of the offence may be taken to court, even if the offence is not punishable under the laws of the country where it was committed, and without the need for a complaint from the victim or his entitled representatives, or for an official complaint by the authorities of the country where the offence was committed.

429. The Penal Code that came into force on 1 March 1994 introduced a chapter concerning interference with a minor and his family, in which there is a section dealing with the endangerment of minors. The section includes provisions that prohibit:

a) Affixing, recording or transmitting for broadcasting purposes images of a minor, when such images are of a pornographic nature;

b) Manufacturing, transporting and broadcasting by any means or medium a message of a violent or pornographic nature or one likely to seriously violate human dignity, and profiting commercially from such a message;

c) Attempting any sexual interference against a person, accompanied by violence, coercion, threat or surprise.

430. Following the international impact achieved by the World Congress against Commercial Sexual Exploitation of Children, held in Stockholm, France strengthened its existing measures against child cruelty, particularly child sexual abuse. Cruelty towards children was declared the "Topic of national concern" for 1997.

431. The Act of 17 June 1998 concerning the prevention and punishment of sexual offences and the protection of minors provides for:

a) Appointment of an ad hoc administrator to represent a minor in the event of a conflict of interest between the minor and his legal representatives;

b) Video or sound recording of interviews with an aggrieved minor, subject to his or his legal representative's consent, during the taking of evidence or in pre-trial proceedings, in order to spare him having to repeat the painful experience;

c) The possibility of ordering the involvement of expert medical-psychological opinion at the investigation stage, so as to assess the damage and the need for appropriate treatment and care;

d) Coverage of all necessary medical costs by the social security system;

e) The possibility for associations concerned with tackling sexual violence to initiate civil proceedings as complainant, by agreement with the minor's legal representative.

2. Protection against economic exploitation

a) Age limit below which child labour is prohibited (art. 211-1 of the Employment Code)

432. The age limit is 16 (the end of compulsory education). However, exceptions are possible. Young people who can show they have completed the first cycle of secondary education may begin an apprenticeship at 15. Pupils may, through block release, spend periods working in enterprises during the last two years of compulsory schooling.

433. Adolescents aged over 14 may perform light tasks during the school holidays, but only when the holidays last for at least 14 working days, and provided they are given adequate rest equal to half of the total holiday period. Working hours must not exceed 40 per week and eight per day, and pay must be not less than 80% of the SMIC. Work of this kind is agreed by the labour inspectorate, at the request of the employer.

434. The prohibition on employment referred to in article L. 211-1 of the Employment Code does not apply to establishments where only family members are working under the supervision of their father, mother or guardian.

b) Children working as entertainers and fashion models

435. Act No. 90-603 of 12 July 1990 supplements the provisions of the Employment Code concerning child models. Children yet to complete their compulsory education may not, without prior authorization, be hired or presented by any kind of permanent or travelling entertainment, nor by any enterprise involving cinema, radio, television, or sound recording.

436. Individual child employment authorizations and approvals for model agencies are issued by the prefect, acting on the advice of an expert committee.

437. The Employment Code also contains provisions concerning the working hours and length of employment of child models, payment of a proportion of their earnings into an account frozen until they reach the age of majority, and measures designed to protect their moral standards and safety.

c) Working hours

438. The working hours of young employees and apprentices may not exceed eight per day or 39 per week. Rare exceptions may be approved by the labour inspectorate, with the agreement of the workplace physician, but only up to a limit of five additional hours per week.

d) Equitable pay

439. Young workers of either sex aged under 18 are paid at least the SMIC, which is reduced by 20% for the under-17s, and by 10% for those aged between 17 and 18. The reduction ceases to apply when the young worker has completed six months' service in the relevant branch of activity.

e) Leave

440. Paid leave for young workers is calculated in the same way as for other employees, namely two and a half working days for each month of work completed for the same employer during the reference year (1 June-1 May), amounting to thirty days or five weeks over a full year.

441. Workers and apprentices aged under 22 on 30 April of the current year may, on request, enjoy a full leave entitlement, even though the work done during the reference year only justifies a reduced entitlement.

442. Young working mothers are entitled to two additional days of paid leave for each dependent child aged under 15, or one additional day if their maximum entitlement does not exceed six days.

f) Night-work

443. The period which is prohibited to workers and apprentices aged under 18 is defined in article L. 213-8 of the Employment Code: "All work between 10 p.m. and 6 a.m. is considered to be night-work". The labour inspectorate may grant exceptions in the case of trading establishments, places of entertainment, bakers' shops, hotels and restaurants.

g) Medical supervision

444. The labour inspectorate may request a medical examination of all children aged over 16 and already working, in order to ascertain that their duties are not too heavy. Young people whose occupation requires them to work underground are subject to special monitoring measures.

h) Prohibited work

445. The following restrictions apply to persons aged under 18:

i) Maintenance, cleaning and operation of dangerous machinery, and working at heights on building sites are prohibited;

ii) Work involving exposure to toxic particles is prohibited;

iii) Restrictions on carried or dragged loads;

iv) Work on the upper floors of shops may not exceed six hours per day, and is prohibited after 8 p.m.

v) Working in mines, quarries and pits is prohibited.

vi) In the glass industry, glass collection is prohibited for the under-15s at automated plants, and for under-16s at other factories. They may not work as glass-blowers until they are 16.

C. Protection of isolated children seeking asylum

446. Among the foreigners requesting political asylum in France, there are a number of isolated minors in need of special protection. These have either come to France entirely alone in France, or are accompanied by adults who are incapable of taking responsibility for them or do not hold parental authority over them.

447. The situation of these minors varies, depending whether their asylum request is unsolicited or made in the framework of an officially organized programme following their arrival on French soil. Isolated minors whose arrival in France has been organized by the authorities acquire refugee status almost automatically once they reach the age of 16.

448. The Convention on the Rights of the Child provides for the possibility of planned repatriation, should that accord with the child's interests.

449. The Hague Convention concerning the powers of authorities and the law applicable in respect of the protection of infants, ratified by France on 11 September 1972, states in its article 12: "For the purposes of the present Convention "infant" [minor] shall mean any person who has that status, in accordance with both the domestic law of the State of his nationality and that of his habitual residence".

450. The children's judge thus has jurisdiction over any minor on national territory, whether or not that person's situation is lawful. Under the terms of an order of 2 November 1945 concerning the conditions for foreigners' entry and residence in France, a minor from another country is not required to have a residence permit, and he can not be expatriated from France while he is under age. An isolated minor is afforded protection through the system of educational support measures.

D. Protection for disabled children

451. Disabled children have the right to receive the earliest possible care, accommodation and education for the purpose of reducing their handicap and its consequences. In principle, their entitlement to social security benefits stems from a related beneficiary.

452. The Act of 30 June 1975 provides that children and adolescents must undergo compulsory education. They satisfy this requirement through either normal or special education in accordance with their individual needs. Priority is given to education in a normal setting. Compulsory education can be replaced by compulsory special education extending beyond the age of 16.

453. Special education boards at department level select the most appropriate environment - normal or special. The conditions for integrating a disabled child into a normal school environment are considered in relation to both child and school. The nature or extent of the disability may determine that a specialized environment is advised in which the teachers can implement activities designed to develop the child's personality and improve his level of socialization.

454. Special education can also be implemented in the home by the local special education and home-care service.

455. The special education allowance is intended to help families cope with the additional costs arising from the special educational needs of a child with either 80% or 50-80% incapacity, subject to certain conditions.

Article 11

I. LIVING STANDARDS IN FRANCE

A. General description

456. Since the end of the second world war, every social category has seen its financial resources increase, even though certain highly specific and isolated groups have not benefited from the overall rise in affluence. The consequences of this economic growth have been increases in personal amounts of savings and property. Housing has become considerably more comfortable, equipment has been modernized, and virtually all households now possess a refrigerator, television, telephone and washing machine.

457. The living standards of the elderly have improved considerably in the past few decades. The average French elderly couple enjoys a living standard equivalent to that of a younger working couple with two children. However, the over-75 age group has not benefited from these improvements, and remains relatively disadvantaged.

458. This improvement in living standards is due to the introduction of a more far-reaching old age pension system.

B. Poverty and exclusion

459. Poverty is defined by reference to an income threshold, in either absolute or relative terms. It covers those who are excluded from society, whether in the sphere of work, education, healthcare, housing or social relations.

460. Between the mid-1980s and the start of the 1990s, relative poverty did not increase in France. However, the proportion of households living in poverty and depending on social assistance increased considerably. Thus, benefits paid to the family or to top up insufficient means, income support (RMI) and unemployment benefit have done much to alleviate poverty.

461. Poverty persists among large and single-parent families. One in five large families (couple with three or more children), one in ten single-parent families with one child, and one in four single-parent families with two or more children are poor.

462. The continuing existence of serious poverty led the economic and social council (CES) to issue, on 11 February 1987, a report entitled " Serious poverty and social and economic insecurity", calling for comprehensive, coherent and forward-looking legislation to deal with it. The national consultative committee on human rights expressed its support in two recommendations made to the Government on 26 May 1988 and 28 June 1990.

463. The policies implemented since 1987 have been strongly influenced by the CES report. Examples are the introduction of RMI in 1988, the Act of 31 December 1989 concerning excessive debt, and that of 31 May 1990 concerning the right to housing. Likewise, the measures on healthcare access, training, culture and returning to work are all linked to the CES report. They are described in detail below. However, not all the proposals put forward by the CES in 1987 were implemented and, in the face of continuing poverty and increasing insecurity, in 1992 it re-assessed the Government's policies for tackling serious poverty. The CES placed emphasis on evaluating poverty in a manner that included those who were affected. A report adopted by the CES on 12 July 1995 proposed a new framework law, reflecting its conviction that, since all fundamental rights are interdependent and indivisible, measures to tackle serious poverty and exclusion will fail unless accompanied by strong collective will and intent.

464. The RMI (income support), introduced in 1988, fulfils the important role of linking a guaranteed household minimum resource level to the right to integration and social rights. Any person aged at least 25 and with a low income is entitled to a supplement to bring it up to the guaranteed minimum: 2,402.99 francs for a single person, plus 1,201.49 francs for the second person and 720.89 francs for a child.

465. The funding is provided by the State, which entrusts the administration of RMI to family benefit offices and the agricultural mutual insurance funds.

466. The RMI provides automatic access to three essential social rights: affiliation to a sickness insurance scheme for those without acquired entitlement, automatic supplementary cover within the limits prescribed for social security payments, and housing benefit at the maximum rate.

467. The RMI system is operated entirely at the department level, the State and the Conseil general being equal partners. The various other bodies involved are brought together into department and local planning committees.

468. The different mechanisms for promoting integration include compulsory credit, provided under the auspices of the Conseil general and amounting to a maximum of 20% of State spending on RMI, employment measures such as the "solidarity" contract introduced by the Act of December 1989, the employment consolidation contract (Act of 29 July 1992) enabling jobs to be funded for five years through State grants, and the work incentive contract introduced in July 1995.

469. The Act of 31 December 1989 concerning measures to tackle excessive debt enables difficult personal situations to be addressed so as to avoid a spiral of exclusion. The legislation

on exclusions has amended the procedures that apply to such indebtedness: recovery plans and compulsory salary deductions must leave the household with sufficient income to cope with everyday expenses. In no case may income amount to less than an individual RMI allowance. Recovery plans may now last up to eight years instead of five.

470. The Besson Law of 31 May 1990 concerning the right to housing makes public funds for housing available in all departments, requires the departments to formulate plans for housing the most deprived and establishes loans for first-time tenants and tenancy conditions designed to help reintegration.

471. Assisted tenancies for young people (Act of 29 July 1992) are intended to assist the reintegration of young people in difficulty, thereby helping to prevent their exclusion.

472. In all, 946,000 households received RMI in 1997, comprising 841,000 in metropolitan France and 105,000 in the overseas departments. The range of beneficiaries varies from young marginalized people to the elderly unemployed, retired people with no pension entitlement, and women left alone with no qualifications following a family separation. The majority, however, are members of the long-term unemployed with low levels of training or skills.

473. The other measures (employment, housing, protection against excessive debt, family and child protection, health, education, culture) taken in the 1990s subjected to thorough review under the framework law of 29 July 1998. In 1997, 126 billion francs were allocated for anti-exclusion measures, distributed as follows:

a) 3.3 billion to implement legislation on social cohesion;

b) 1.7 billion to establish housing to aid integration;

c) 666 million for local help centres;

d) 500 million on personalized vocational integration;

e) 31 million on economic integration;

f) 100 million of decentralized funds to assist local integration;

g) 15 million on information and guidance centres;

h) 150 million for accommodation and social reintegration centres;

i) 100 million for emergency accommodation;

j) 13 million for social work training;

k) 5.5 million on measures to combat illiteracy;

l) 29 million on health.

474. In 1997 the French Government also embarked on a policy of preventing and tackling exclusion. This included improved treatment for those in debt, prevention of tenant expulsions

and measures to protect vulnerable children (special education areas, measures to tackle unhygienic conditions). Particular emphasis was placed on helping the most underprivileged gain access to jobs and housing.

475. Current policy on the RMI focuses on its "integration" component, with particular emphasis on re-orientating the support mechanisms for the long-term unemployed towards the worst-affected groups, and on providing for those with the lowest incomes (those on the "social minimum" benefits, young people without qualifications).

476. Since the July 1998 framework law, it has been possible to combine occupational income with one of the "social minimum" benefits (income support (RMI), special welfare allowance (ASS), single parent benefit (API), integration allowance or widow(er)hood allowance). This may be done for up to a year on a degressive basis.

477. In response to the major difficulties being faced by those living in poverty and exclusion, the Government has demonstrated its political readiness to engage in a genuine remedial effort by releasing considerable budgetary and human resources. However, the effect is still highly uneven at department level, and not enough has been done overall to eliminate the spiral of exclusion. The disparities between departments are still considerable, to judge by criteria such as access to occupational integration or take-up of integration credits. Given this inequality of opportunity, especially in Ile-de-France and the Mediterranean region, the Government's role remains pivotal.

478. On taking up office in the summer of 1997, the new government continued with the work of formulating an overall policy against exclusion, and a long-term programme was soon in place. This resulted in the adoption of Act No. 98-657 of 29 July 1998 concerning measures to tackle exclusion, which is concerned with guaranteeing access to rights (Part I) and preventing exclusion (Part II). This provides the context for understanding the legal measures that have been taken and the implementing regulations that followed.

II. THE RIGHT TO ADEQUATE FOOD

479. This subject was covered exhaustively in France's report to the World Food Summit held in Rome in 1996. That document, which deals with the situation in 1997, has been sent to the FAO Committee on World Food Security, which is responsible for the follow-up to the summit.

A. Assistance for the most socially deprived

480. France's food security is assured by sustaining its agricultural production potential and ensuring that it adapts continually to the population's needs. However, support mechanisms have been developed to meet the needs of the most deprived.

1. The importance of food aid in France

481. Food aid in France was estimated to amount to 1 billion francs in 1993 and 1.4 billion in 1994. The number of people receiving assistance remained stable at around 2 million. By contrast, the number of distributed pre-packed meals increased from 105 million in 1992 to 150 million in 1994.

482. The distribution of food aid to people in distress, either at special restaurants or in parcel form, is of necessity a task for the charitable organizations that are in touch with the poorest sections of the population. These organizations operate on the basis of donations. They receive some support from the State.

483. Four of the largest organizations receive food aid from the European Union: the "Restaurants du Coeur", the Federation of Food-banks, the "Secours populaire" charity, and the French Red Cross. The Federation of Food-banks acts as a kind of wholesaler by passing on food products it receives to other charitable bodies such as Secours catholique, the Salvation Army, the Compagnons d'Emmaüs and the Société de Saint-Vincent-de-Paul.

2. Free distribution of food from the European Union

484. This is the largest mechanism for channelling food aid from public sources. Such free distribution was organized at the national level until the adoption of Council Regulation (EEC) No 3730/87 of 10 December 1987, which lays down the "general rules for the supply of food from intervention stocks to designated organizations for distribution to the most deprived persons in the Community".

485. The overall financial resources of the Community's assistance programme for the most deprived are reviewed regularly by the Council of the European Communities and by the European Parliament. France is one of the main users; its charitable organizations account for over 20% of the Community's programme. In 1996, the four French beneficiaries shared 1,641 tonnes of beef, 1,200 tonnes of butter, 8,301 tonnes of powdered milk, 22,600 tonnes of soft wheat, and also the sum of over 80 million francs for the purchase of beef on the market, owing to a shortage of intervention stocks.

3. Additional food aid mechanisms

486. Charitable organizations have the possibility to receive goods that have been taken off the market and earmarked for disposal. In this way, they received 7,000 tonnes of fruit in 1993, 19,000 tonnes in 1994 and 10,500 tonnes in 1995.

B. Improvements in product quality

487. In the context of market saturation in the developed countries, quality becomes a vital component of company strategy and a determining factor in consumer choice. France anticipated the development of distinctive brands used to denote products of quality. For example, the "appellation d'origine contrôlée" label (AOC) denotes a product of the soil that is imbued with culture, history, and respect for production methods and traditions. It expresses the diversity of these elements and belongs to the nation's cultural heritage.

488. The relevant French legal framework was first introduced in 1919 with the AOC label, then expanded to include the agricultural quality label system in the 1960s, and since the 1980s has also embraced certificates of compliance and organic farming. In 1992, the system was further strengthened by Community measures.

489. Product quality is monitored at all stages of the food chain. In France, the production and distribution of foodstuffs are governed by regulations that define minimum standards for the

planning, fitting out and equipping of premises, as well as rules on staff hygiene and equipment hygiene.

490. Following the harmonization of inspection and certification regimes in order to facilitate the globalization of trade in foodstuffs, European rules were adapted in order to provide the food industry with the tools it needed to take responsibility for the hygiene and quality of the goods it manufactured and handled.

491. In France, the national association for standardization, founded in 1926, is responsible for co-ordinating the development of standards and promoting their application. It is the French branch of the European committeee for standardization, and is a member of the international organization for standardization.

C. International co-operation

1. The context of France's participation in food aid

492. France's bilateral food-aid programme addresses developing countries that do not possess the means to pay for their entire food deficit. The aid comes as a donation to states, but is then generally sold to the beneficiaries in local currency. The profit from these sales is channelled into funds that are used as the basis for activities designed to promote food security in the recipient countries, particularly agricultural and rural development projects.

493. The French food-aid programme has the following objectives:

a) To promote food security in recipient countries experiencing structural deficits in food products, without disrupting local markets;

b) To contribute to rural development in such countries;

c) To restore their balance of payments;

d) To improve the recipient countries' access to the resources of the international cereals market.

494. Implementation of this programme is conditional upon the signing of an agreement between the recipient country and the French Government. This programme complements France's other aid commitments to the most deprived countries. Since 1981, French food aid has comprised 200,000 tonnes of cereals, together with non-cereal products such as oils and sugar - a total commitment of some 350 million francs per year.

495. Approximately 50 million francs is set aside for activities undertaken in the framework of the World Food Programme's "directed multilateral" operations, and 30 million francs for its "pure multilateral" operations. In some cases, French involvement takes the form of tripartite operations or local purchases.

496. The Sahel charter (1990): in order to further food security without discouraging local production, the donors and the states of the Sahel adopted a "food-aid charter" in 1990. On the basis of this political charter, French food aid is geared to the following principles:

a) The aid must not be confined to the distribution of donors' excess produce; it must also encourage local production through the funding of feed-stuff transfers;

b) The aid must not lead to changes in local dietary habits nor disrupt the market for local produce, since untimely competition can trigger price reductions that demoralize local producers.

497. The "green line" of the 1994 Marrakesh agreements: France is concerned to see effective application of the Ministerial Decision of Marrakesh "on measures concerning the possible negative effects of the reform programme on least-developed and net food-importing countries". The Decision provides for:

a) Assistance from the international financial institutions through the establishment of new mechanisms, as necessary;

b) The maintenance of food aid levels and the necessary establishment of "appropriate mechanisms" based on three principles: review of food aid levels and commitment to negotiations aimed at establishing adequate food aid commitments; growth in the "donation" component; technical and financial assistance for agricultural development in the countries concerned.

c) As necessary, the introduction of differential treatment for the countries concerned with respect to export credits for agricultural products.

498. The Food Aid Convention (London,1995): France is a member of the latest food aid convention, its commitment of 200,000 tonnes of cereal remaining unchanged since the previous international convention. This amount, set by the Council of the European Communities, forms a part of the overall EU commitment of 1.7 million tonnes. France considers this Convention, as the only written international commitment to food aid, to be a fundamental component of the international machinery for promoting global food security.

2. Official development assistance in the agricultural and food sectors

499. According to the statistics of the committee on development aid, France devotes 8% of its official assistance to agriculture and food aid. The OECD states that France allocated 8.4 billion dollars, or 0.55% of GNP, to official development assistance in 1995 (second in the world and first among the G-7 nations). French official development assistance is mainly bilateral (78%).

500. Mention should be made of the important contribution made by non-centralized co-operation involving territorial collectivities (regions, departments and communes), and of the co-operation activities carried out by NGOs. These systems complement one another and provide a useful tool that builds on French assets and experience.

501. French co-operation mainly focuses on support for rural development and agricultural production. In countries with a low income and a food deficit, any alleviation of food insecurity requires an increase in crop productivity, a sustainable increase in production and improved access to foodstuffs. A large number of such countries depend on agricultural produce, and their prospects for generating employment and income are closely dependent on agricultural productivity.

502. The French approach to development in rural areas and the food industry is original, in the sense that it emphasizes the social organization of food producers as a means of promoting technical and economic development. This approach, based on systematic analysis and the nature of the production industries, takes account of several diverse factors, such as natural resources, available technologies, and economic and social criteria, in an effort to introduce sustainable agriculture.

503. Under this policy, priority is accorded to basic education, continuous training and agricultural advisory services. Experience has shown that farmers will only accept technological innovation that suits their purposes, is financially viable, easily available, financially accessible, and easily assimilated into their existing production system. This means that credit facilities and land agencies are essential, together with the farm price stability that ensures a steady income.

504. Devolved co-operation offers an exceptional means of bringing practitioners from North and South into contact and adapting farmers' experience and know-how. The French territorial collectivities offer specific know-how regarding local management of socio-economic development policies. The State supplements the financial resources needed to implement the resulting projects.

505. The non-governmental organizations, with help from the Government, contribute up to 20 million francs per year in agricultural development and food aid. The State signs contracts with these organizations, enabling them to co-ordinate activities in the various national sectors. Currently the NGOs are concentrating on strengthening producers' vocational organizations, improving access to basic means of production (water, land, credit), and informing populations about nutrition and food preparation, with the emphasis on women and the most vulnerable groups. The NGOs also participate in national awareness campaigns.

3. Specific support for research

506. Without a doubt, an essential part of the efforts to deal with food-related problems in the next thirty years will concern the mobilization of all available scientific capacity, in both North and South, for research into agronomy, the food industry, nutrition and related socio-economic areas. The world now needs a second "green revolution" more productive than the first, and doubly effective in terms of conserving natural resources, protecting the environment and preserving rural societies. This revolution will call for research into genetics (more production), the food industry (better production) and society (population growth and the town-country relationship).

507. In this regard, France has built up a mechanism for carrying out research relating specifically to development. This has its origins in a national policy which, in 1994 following the "national consultation on the main objectives of French research", was redirected to focus on health, supplies to urban areas and the conservation of natural resources.

III. THE RIGHT TO ADEQUATE HOUSING

A. General housing situation

508. In 1994, 682 billion francs was spent on housing, consisting of 32% on new homes, 46% on older ones, and 22% on construction work. Households accounted for 86% of this investment. Local authority housing experienced a revival in 1997, with 1.7 billion francs being invested in a programme covering improvements to 100,000 dwellings and increases in housing benefits.

B. Situation of the most vulnerable groups

1. The homeless

509. The national council for statistical information has begun studying ways to improve methods of obtaining information about homeless people, who are little known and difficult to quantify (the explanatory memorandum to the framework law on exclusion estimated the number of homeless to be 200,000).

2. Households living on modest incomes or in poverty

510. Households on a modest income are those with a level of resources in the lowest quartile of per capita income. A dwelling is regarded as "qualitatively sufficient" if it provides minimum sanitary facilities (toilets and shower or bath), central heating and an adequate number of rooms for the size of household.

511. Poor households are those with per capita income of less than half the average income (33,000 francs per year per head in 1992). There were 2.6 million such households in 1992. A European Union study conducted by EUROSTAT, and whose results, based on 1993 figures, were published in 1997, found that France ranked as average among the European countries, with 11% of its households classified as poor. Over the past ten years, France's poor population has been transformed. It now includes far more young households, blue-collared and office workers, and single-parent families. Mainly as a result of its family policies and the activities of women's groups, France, like Denmark, has avoided the large numbers of children classified as poor that characterize the rest of Europe.

3. The population living in makeshift dwellings

512. The 1990 census identified 19,700 temporary constructions or makeshift dwellings housing 45,000 people.

4. Evictions

513. In 1993, out of 101,650 court expulsion orders 4,099 resulted in actual evictions. However, a proportion of the households concerned left without waiting for the order to be carried out.

C. The right to housing seen from the legal viewpoint

1. The content of the right to housing

514. The Constitutional Council has acknowledged the constitutional value of the right to housing. It has figured in French legislation since 1989 and was confirmed by Act No. 90-449 of 31 May 1990 concerning the implementation of the right to housing.

515. The Act of 31 May 1990 is the basis of policy relating to the housing of society's outcasts. It obliges departments to formulate action plans for housing the most deprived. These plans are prepared jointly by the prefect and the president of the Conseil général, in collaboration with local authorities, landlords, family allowance offices, and humanitarian and welfare organizations. If these can not reach agreement, the plan is finalized by the ministers responsible for housing, territorial collectivities and social affairs.

516. This department plan, which is published, must define the categories of person affected, assess their needs and set objectives for each housing area. It establishes a housing solidarity fund which grants financial assistance to deprived individuals and families in order to provide them with access to housing (guarantees, loans or subsidies to cover installation costs) or to maintain them in dwellings (loans or grants to cover unpaid rent). This fund also pays for the related housing measures needed to integrate deprived individuals and families.

517. The plan makes provision for the mobilization of empty private dwellings:

a) Tax advantages for owners who rent to deprived people or approved associations;

b) Rehabilitation agreements under which the management of residential buildings is taken over by local authority housing bodies;

c) Tax exemptions on developed properties.

518. Measures have also been introduced to promote solvency among the most deprived and prevent evictions. Steps have been taken to increase housing supply.

519. Act No. 94-624 of 21 July 1994 concerning housing conditions obliged departments to formulate an emergency housing plan. The plan must assess existing needs and make provision for emergency housing in premises offering comfortable and hygienic conditions. The required level of provision is one place for every 2,000 people living in communes of 10-100,000, and one place for every 1,000 people living in communes of over 100,000.

520. This act also strengthens the capacity of the charitable organizations and the communes to intervene, and facilitates the introduction of social housing suitable for use as a shelter for people in difficulty.

521. The law also encourages renting by private owners to people of limited means through a system of continuous tax credits and improved rental guarantees.

522. Framework Law No. 98-657 of 29 July 1998 concerning measures against exclusion implements, inter alia, the right to housing, with the objective of making the departments' housing action plans for the deprived more effective, boosting the resources available to housing solidarity funds, strengthening the role of associations as mediators in housing matters, and encouraging the continuation of housing grants.

523. The law also provides for the following measures designed to prevent evictions:

a) Mechanisms to allow intervention as soon as the first non-payments occur;

b) Re-housing;

c) Agreements on preventing evictions;

d) Procedures for dealing with incidents on housing estates;

e) Restrictions on the powers of bailiffs during eviction procedures.

2. Protection of occupants and landlord-tenant relations

524. The following measures have been adopted in order to protect occupants and improve landlord-tenant relations:

a) Act of 31 December 1975 concerning protection for householders;

b) Act No. 86-1290 of 23 December 1986 intended to promote housing investment, council house ownership and greater land availability;

c) Act No. 89-462 of 6 July 1989 concerning the improvement of landlord-tenant relations.

3. Housing grants

a) Family housing allowance

525. Family housing allowance was introduced by the act of 1 September 1948, which amends and supplements the act of 22 April 1946 laying down the family benefits scheme. The scheme had two objectives: firstly, to compensate for official rent rises applicable to the existing rental stock and deregulate the rents for the new housing planned under the 1948 act; secondly, to enable families to live in clean accommodation without overcrowding.

526. The scope of the act, most recently broadened by the act of 3 January 1972, covers households or individuals who, depending on circumstances, either receive one of the family benefits, are not entitled to family benefits but have a dependent child, have been married less than five months, have a dependent relative aged over 65 (60 in the case of unfitness for work), or look after a disabled person who is directly related or collaterally related to the second or third degree.

b) Social housing allowance

527. The necessity also arose to provide a housing allowance for other population groups existing on low resources. Accordingly, Act No. 71-582 of 16 July 1971 introduced a social housing allowance funded by the State and from employers' contributions. It was initially intended for the elderly and the disabled, and was subsequently extended to the unemployed and those receiving income support (RMI).

528. Since 1 January 1993, subject to resources, any person or household unable to claim one of the other personal housing allowances has been eligible for the social housing allowance.

c) Personal housing grant (APL)

529. Entitlement to this grant, which is funded jointly by the State and the social security system, is conditioned by the nature of the accommodation, i.e. the existence of an agreement between the landlord and the State. Since 1 January 1988, a series of public-private contracts have gradually made this allowance applicable to the entire public housing stock. The agreements in question either relate to improvement work on dwellings, or do not involve such work but are subject to a prior residential property agreement obliging the landlord to undertake certain social commitments.

530. The range of individual housing grants thus comprises:

a) Personal housing grants, allocated in accordance with criteria relating to the dwelling and applicable to the entire public rental stock and the private stock previously covered by the APL;

b) Family or social housing allowance, granted according to criteria relating to the individual, but limited in scope to the part of the private stock not covered by APL (dwellings either rented or in home ownership, and not covered by State assistance).

d) Method of calculating housing allowances

531. Housing allowances are calculated by a formula that takes account of the various factors influencing a family's accommodation costs (rental or home ownership, number of dependants, income of all persons living in the household during the year prior to the payment period (1 July-30 June).

532. The means taken into account can include the figure for net income used to determine income tax, together with income taxed at a proportional rate or subject to levy at source, and income earned outside France or paid by an international organization.

533. Allowances or compensations are made in specific situations: divorce, unemployment, retirement, long breaks from work due to illness, and the death of a spouse.

e) Grants for associations offering temporary accommodation to the socially deprived

534. Act No. 91-1406 of 31 December 1991, containing various provisions relating to social order, introduced the payment of grants to associations that accommodate deprived individuals and families on a temporary basis. This new provision makes it possible to accommodate those who have access to neither an independent dwelling nor the normal personal benefits. These are usually people of very limited means, or none at all, who have been identified as a high priority in the context of the department action plan for housing the socially deprived, in accordance with Act No. 90-449 of 31 May 1990 implementing the right to housing. To receive this assistance, associations must sign an agreement with the State. The agreement determines the fixed annual amount to be received, which is paid on a monthly basis through the family allowance offices.

D. Other measures implementing the right to housing

1. Measures designed to encourage home-building

535. Since 1993 a series of credits, amounting by annual agreement to a maximum of 100 billion francs, has been allocated for operations involving emergency accommodation or temporary housing which, for technical or regulatory reasons, can not receive funding earmarked for public housing projects. The recipients are the homeless, or those living in precarious conditions or under threat of eviction without the option of re-housing, and who would be very unlikely to benefit from the existing mechanisms offering access to accommodation.

536. Since the launch of the emergency accommodation and temporary housing programme in 1993, the grants have amounted to 153 million francs, comprising 89.3 million in the Ile-de-France and 63.7 million in the rest of the country. Out of the 333 operations funded, 85 have been in the Ile-de-France and 248 elsewhere. The number of dwellings or places is 4,812, including 1,891 in the Ile-de-France and 2,921 elsewhere.

537. The operations in question vary widely, but most involve the creation of emergency reception arrangements (reception centres, hostels, residential homes, hotels) or temporary accommodation (use of empty property belonging to the State and the territorial collectivities).

538. The operating procedures for the existing facilities are being reviewed in the light of initial successful experience. The use of 24-hour reception and advice centres, widespread free telephone advice lines, and crisis management units is being continued and extended. Mobile teams are used in built-up areas where it is important to anticipate the needs of the homeless. In this regard, street social workers, doctors and even drivers maintain links between the agencies involved.

539. Examination of the department plans for emergency accommodation reveals that in most departments capacity either meets or exceeds the statutory objective. However, it is also apparent that sometimes the accommodation is unsuitable (use of dormitories, inadequate sanitation, dilapidated buildings, poor geographical location, failure to adapt to the new groups affected, or to young people and families), that there is a need for all-year-round facilities, and that the accommodation must be organized in series, so as to allow clients to progress in step-wise fashion to independent accommodation. Aside from the specialized facilities and the hostels reserved for particular groups, it seems that temporary accommodation is still lacking in certain areas.

540. An emergency plan was launched on 28 June 1995, with 1.3 billion francs being made available in the same year to fund 10,000 emergency dwellings and 10,000 starter dwellings. Under the Government's "emergency homes" plan, over 20,400 dwellings were delivered by the end of 1996 and a further 1,000 at the start of 1997, providing accommodation for 25,000 families. Also provided were 7,485 emergency dwellings for short-term occupation and 12,928 starter dwellings allocated for periods of months or years leading up to re-housing. The programme also included two schemes under which requisitions were made from stock belonging to banks and insurance companies; these operations extended to 2,000 communes.

541. This emergency plan is designed to meet current needs by restructuring and restoring existing situations, creating emergency dwellings better adapted to the needs of families and couples than the existing local authority facilities, and using starter dwellings that offer individuals a secure residential setting designed to help them rejoin society.

542. A two-fold system designed to implement and follow up this plan has been set up at the national and local levels. At national level, there is a dedicated office responsible to the minister of housing, and a steering committee. At local level, each department has a project leader, appointed by the prefect, to co-ordinate the measures taken. Follow-up is undertaken by a local or department steering committee comprising representatives of the social partners involved.

543. Emergency dwellings are intended to provide temporary accommodation for people threatened with life on the streets, or who are waiting for normal accommodation or a starter dwelling. The length of the placement is conditional upon the availability of public housing, which is often unsuited to certain types of household, especially families with children. The emergency plan allows for the possibility of building or refurbishing public housing.

544. Starter dwellings are rented accommodation reserved for deprived households with low resources and who are at social risk. Access to these dwellings is accompanied by social measures designed to reintegrate the household and place it eventually in a normal independent dwelling. The recipients are selected in collaboration with the associations.

545. Most of these dwellings are managed by the public housing organizations, local authorities and other bodies and associations working in the field of housing integration. The conditions of acceptability are determined locally on a case by case basis, in accordance with the facilities made available under the relevant department action plan, and with a proviso guaranteeing accommodation to the most fragile households.

2. Measures taken to mobilize under-used dwellings

546. In Paris and the surrounding suburbs, two schemes for requisitioning stock owned by institutions were implemented in 1995 and 1996, involving 500 and 700 dwellings respectively.

3. Financial measures taken by the State

547. The framework law of 29 July 1998 concerning measures against exclusion strengthens the provisions of the Act of 31 May 1990 confirming the right to housing. In 1997, a report on the latter's implementation found that the right had not yet become a reality for the most vulnerable sector of the population. The report of the higher committee on housing the socially deprived states that France has 200,000 homeless and 2 million people who are poorly housed.

548. When a sizeable sector of society combines family breakdowns with personal and economic difficulties, the individuals involved need to be made secure. Housing is the first step towards reintegration. It provides access to neighbours, an address, public services and the chance of employment. This is why, in the face of mounting exclusion, housing policy is one of the key facets of France's policy on preventing exclusion. To recap, these are the five main points of housing policy:

a) Assurance of the right to housing through enhanced use of the strengthened public housing fund. In 1996, the fund disbursed one billion francs in bringing help to 205,000 households. The State provided support for the associations in their vital task of providing temporary management for the rented accommodation. The public housing bodies were given an incentive (60 million francs in 1995) to take over dilapidated furnished hotels and convert them into "social hotels" managed by charitable associations. This affected 20,000 dwellings, inhabited by 400,000 people;

b) Prevention of evictions. Each year on average, 110,000 leases are terminated by the courts, resulting in frequent evictions. Preventive legislation, which is particularly useful at the actual moment when these social arrangements break down, will be strengthened further;

c) Establishment of the right to maintain living conditions. A system has been set up to help avoid non-payment of bills and prevent the cut-off of services (water, gas, electricity, heating, telephone). In the health field, measures against lead poisoning have been stepped up (12.5 million francs in 1998, 50 million in 1999). Rehabilitation programmes have also been strengthened. More than 200,000 public housing units were affected in 1998. Householders wishing to improve their dwellings receive a 15% tax credit;

d) Mobilization of housing stock and increased provision of accommodation for those with modest means. The building and mobilization programmes are aimed at gradually restoring to the market 20% of the estimated 2 million vacant dwellings. The public housing organizations will concentrate more on older urban stock using purchase and restoration procedures (55 million francs per year). The requisition procedure already in use will be modified to make it more adaptable to actual circumstances. A tax on vacant dwellings will encourage owners to rent. This measure is expected to increase by 200,000 the number of dwellings available in areas, mainly urban, where the rental market is highly unfavourable to the socially deprived.

e) Reform of the public housing allocation system. Every year 450,000 dwellings are allocated by a thousand different organizations. The prefect's powers have been augmented, and each department will keep a central file of public housing applications, in order to enhance transparency. The easing of the income thresholds relating to public housing allocation has already increased the number of potentially entitled households from 55% to 61%. This translates to an additional 300,000 people, mostly comprising low-income households or single people with dependent children.

549. For the period 1998-2000, the measures taken to boost housing over and above other social measures represent a total investment of 4 billion francs.

Article 12

I. General principles

550. The Preamble to the 1946 Constitution, referred to by the 1958 Constitution, states that "The Nation shall guarantee to all, notably children, mothers and aged workers, health care ..." The following two principles are at the heart of the French health care system.

A. The principle of freedom

551. One of the main aspects of this principle is the patient's freedom to choose a doctor. Another aspect is the rule of consent: no attempt may be made to interfere with a human being's physical or mental integrity without his consent.

B. The principle of human dignity

552. Three aspects are normally identified:

a) The rule of patient information is the indispensable corollary of the rule of consent. It is subject to certain limitations, particularly the possibility to conceal a grave diagnosis or prognosis from the patient;

b) The rule of professional secrecy is laid down in article 226-13 of the Penal Code and by the professional codes of ethics;

c) The rule of individual inalienability, i.e. the fact that the human body is removed from all commercial transactions, is reaffirmed strongly by three recent laws relating to biomedical ethics (Act No. 94-653 of 29 July 1994 concerning respect for the human body, articles 16.1 and 16.3 of the Civil Code and Act No. 94-654 concerning donation and use of body parts and products, medical assistance, procreation and prenatal diagnosis).

553. Framework Law No. 98-657 of 29 July 1998 concerning measures against exclusion stipulates, in article 67, that:

> "Access to prevention and care for the most socially deprived persons is a principal objective of health policy".
>
> "Public health programmes implemented by the State and by the territorial collectivities and health insurance bodies shall take into account the specific problems of the most socially deprived persons".

554. Acting in accordance with these general principles, the French health system comprises a traditional private medical sector in close contact with patients, and another sector managed by the public authorities, which covers mainly the hospitals and prevention programmes.

555. Health spending is funded by the social security system, established by the Order of 4 October 1945. Subsequent regulations have extended the scope of social security to categories of beneficiary other than wage-earners, and to new types of risk.

II. THE HEALTH SYSTEM

A. Institutions

556. In France the health system is under the supervision of the State, which acts as guarantor of the public interest and public health improvement. It is the State which looks after general public health, trains the staff, ensures that quality standards are met in health establishments, regulates the supply of healthcare, supervises the work of hospitals, balances the accounts and sets the budget for medical research.

557. Several ministries mediate in the health system on the State's behalf. The main one is the ministry of health, followed by the ministry of the economy and finance and, to a lesser extent, the ministries of agriculture, education, the environment and national defence. Governmental policy is implemented at local level by the regional and departmental directorates for health and social policy.

558. A national health assembly is responsible for monitoring the population's health and developments in health care. Every year Parliament determines health-care objectives and the arrangements for funding the social protection system.

559. Over the course of time the State has established the following bodies, each with jurisdiction in a specific field:

a) The national agency for accreditation and evaluation in health matters is charged with promoting the development of professional health care and practice at public and private health-care establishments and in private practice, and also with implementing the accreditation procedures relating to health establishments;

b) The French health committee (1952), a non-profit organization governed by the 1901 act, contributes to the development of health education and implements educational policy in the framework of a programme formulated by the health ministry;

c) The national council for ethics in the life sciences and health (1983), supervised by the ministers for research and health, advises on the moral problems raised by research in the fields of biology, medicine and health;

d) The national council for acquired immune deficiency syndrome (Aids) (1989) advises on all problems relating to this disease and makes recommendations to the Government.

e) The higher committee for public health (1991) is responsible for helping to determine public health objectives, proposing prevention policies and monitoring the nation's health. It is led by the minister of health;

f) A general commission is responsible for measures to tackle drug abuse and addiction (1991);

g) The French blood agency (1992) ensures that the blood transfusion system operates in maximum safety and that transfusion methods reflect medical and scientific progress;

h) The drugs agency (1993) is responsible for ensuring the independence, scientific competence and administrative efficiency of all research, and for controls on the manufacture, testing, therapeutic properties and use of medicines;

i) The French transplants office (1994) co-ordinates all activities relating to transplants and the international transfer of transplanted organs;

j) The national cancer board (1995) assists the Government in formulating a co-ordinated and consistent policy on cancer, including prevention, screening and research.

B. The characteristics of health-care supply

560. Around two million people currently work in the health service, representing 8% of the total labour force and 9% of those in paid employment.

561. Health-care practice and the operation of health-care establishments are regulated by the Code on Public Health. Certain occupations have a professional association to supervise professional ethics; they also grant, or restrict, authorization to practice.

562. Public sector hospitals comprise general or specialized establishments, ranging from regional centres to local hospitals. The private establishments participating in the public health service supply 30% of the beds.

563. In order to improve their response to the population's needs, as perceived by hospitals and the health authorities, many establishments form care networks.

564. Each region is required to analyze the situation regarding the access to care and prevention enjoyed by the most socially deprived in each of its departments, and to produce a regional care programme under the supervision of the prefect.

565. All health policies relating to prevention, education and information, as well as the actions taken on health and social matters by health ministry offices, now concentrate as a matter of priority on the most vulnerable population groups.

566. Hospitals and clinics are required to set up "health-care access points" (PASS), designed to facilitate patient access to the ordinary health-care system and assist them in ensuring that their rights are respected.

567. In 1998, France had 159,000 general practitioners, 37,000 dental surgeons, 26,000 pharmacists and 254,000 nurses. Entry to medical and dentistry courses is restricted.

C. Social protection against illness

568. Social protection against the financial risks associated with illness is provided mainly through health insurance, a branch of the social security system for which the State is responsible. Additional protection is provided by mutual benefit organizations or private concerns.

569. Since the adoption in 1999 of universal health cover (CMU), the whole population has, in principle, been covered for health risk. The relevant law came into force on 1 January 2000. It gives everyone residing in France basic cover if they do not already have it, and provides free additional cover for all whose resources fall below a certain threshold (3,500 francs for a single person, 5,250 francs for a couple, 6,300 francs for three people, and 1,400 francs for each additional person). Additional cover is provided through a mutual benefit organization, a provident society, an insurance company, or by the social security system itself through a special ad hoc fund it administers on the State's behalf. The insured person selects from a list of organizations that have agreed to participate in the CMU scheme. Beneficiaries of the scheme are exempted from paying in advance for health care. Those receiving income support (RMI) or free medical care automatically received CMU from 1 January 2000.

570. The general health insurance scheme, the largest, is administered at the national level by the national wage-earners health insurance fund, and at the local level by regional and branch offices.

571. The patient's financial participation is a basic tenet of the French health insurance system. In principle, the patient pays the originator directly for all the care received, and is then reimbursed part of the cost by the health insurance organization to which he belongs.

572. Hospitalized patients pay a fixed daily rate which, in principle, is not covered by the insurance organizations.

573. Health insurance only reimburses at the basic rates set by agreement among the professions. It does not pay the excess amounts asked by certain practitioners, even if these are authorized.

574. Relations between the occupations and the social security system are governed by conventions and agreements negotiated with the relevant union leaders and approved by the Government.

III. HEALTH AND SOCIAL STATISTICS FOR THE FRENCH POPULATION

575. In 1997, 31.5% of national wealth was devoted to social protection, including 9.8% to health. One third of social insurance benefits concerned health.

A. The population's state of health

576. On the evidence of the indicators for life expectancy and life expectancy without disability, the state of health of the French is satisfactory, whether compared with other similar countries or in evolutionary terms. Life expectancy rises continually, with women living longer. In 1982, life expectancy at birth was 70.7 years for men and 78.9 years for women. By 1997, the respective figures were 73.8 and 81.9 (see annex, art. 12).

577. However, when examined in detail, the situation seems more pessimistic. Premature death is more widespread by comparison with other countries. The main causes are alcoholism, tobacco consumption and the newly emerging transmittable diseases. The inequalities between social groups and among regions, which have recently become even more marked, are disturbing. All these factors have been examined thoroughly in a report prepared by the higher committee for public health.

578. Since 1960, ten-yearly surveys on health and medical care have provided a fairly complete picture of declared morbidity. In 1997, the statistics on morbidity were still dominated by cardiovascular and osteo-articular ailments, endocrinal and metabolic diseases, and mental and sleeping disorders.

579. The general mortality rate, which takes into account demographic profile, fell from 11.4 deaths per thousand inhabitants in 1970 to 9.2 per thousand in 1997, despite an ageing population.

580. The reduction in infant mortality continues: twenty-five years ago there were 15.5 deaths below one year of age for every 1,000 births. By 1997 the rate was 5 per 1,000.

581. Elderly persons' mortality is also in decline: the death rate per 1,000 has gone down over the past twenty-five years from 32.5 to 20.4 in the 65-74 age group, and from 22.2 to 17.2 in the 85-plus age group.

582. Premature mortality (all deaths occurring before 65 years of age) is very high in France. It is particularly marked among men aged 60-65 and women aged up to 45-50. The main causes are as follows:

a) Accidents and violent deaths account for 19.9% of premature mortality, with a significant proportion of traffic accidents and suicides;

b) Cancers cause 36.7% of premature deaths and 27.6% of all deaths;

c) Alcohol-related cirrhosis and psychosis account for 5.9%, but the trend is declining;

d) Cardiovascular diseases represent 14.3% and Aids 4%, although the latter affects a particularly young group.

583. The risk of dying young is greater for the most deprived social categories and those in a dangerous occupation. The death rate for people receiving income support (RMI) is twice as high as for the general population. At 35 years of age, the difference in male life expectancy between senior managers and labourers is eight years.

584. Smokers are more prevalent among unqualified workers' households (35%) and less so in the households of senior managers (26%). Agricultural workers and labourers have the highest rates of alcohol consumption.

B. Residential accommodation for the elderly

585. At the end of 1994, public residential accommodation for the elderly offered almost 624,000 places. Retirement homes and residential homes, which are part of the social security system, and long-term care facilities, which belong to the health system, are the main types of residential establishment.

586. Between 1990 and 1994, the number of places available in social security and health-care establishments rose by almost 50,000 (10%). The increase was largely due to the private-sector expansion that had begun in 1986. The average take-up in these establishments was 95%. 600,000 people live in residential accommodation for the elderly. Their average age is 83, and three-quarters of them are women.

587. The social welfare and medical services are expanding as an alternative to hospitalization. Health care is brought to the home by paramedical and other teams. They also deliver services to residential homes and retirement homes. Various auxiliary staff provide bodily care to prevent worsening of certain types of disablement; home nursing is used to prevent placement in a residential establishment; home hospital treatment is designed to provide a continuation of hospital care for a patient in his normal surroundings, but under hospital supervision; certain experimental centres provide a day service in the form of health care, rehabilitation and psychotherapy, designed to enable elderly physically or mentally handicapped people to stay at home.

C. Length of hospitalization

588. Periods of hospitalization are becoming shorter at most establishments. Hospitals have entered a phase of important transition. The unprecedented development of new technologies and health-care methods has changed the whole picture. In the past ten years, a rise in the number of admissions has been accompanied by a general shortening in lengths of stay and a steep reduction in short-term capacities, especially in the public sector. However, the public sector retains a virtual monopoly on long stays and still predominates in medicine, whereas the profit-making private sector, mainly concerned with surgery, continues to expand its already dominant share of that market.

589. The average length of the hospitalizations lasting at least twenty-four hours at short-term institutions fell by almost two days from 1986 to 1993 - a fall of 21% in seven years. This reduction applies to most types of problem treated in hospitals. Technical progress, wider use of certain care procedures and changes in medical treatment and practice have led, in certain cases for which alternative means of care have yet to be developed (cataracts, circulatory system diseases, and particularly ischaemic myocardial diseases or femur fractures), to a sizeable reduction in the time spent in short-term institutions.

D. Expenditure on health-care and its reimbursement

590. Spending on medical care continued to increase throughout the 1990s, but at a slower pace, by a factor of two, than in the 1970s. Neither the expansion in complementary insurance nor the ageing of the population is sufficient to explain this consistent growth. Life has become more dominated by medicines, with some obviously positive aspects such as the progress made on preventive legislation. Medicine is becoming more technical, with a noticeable increase in the use of prescriptions.

591. In 1996, the French spent 716 billion francs on health care, or 12,276 francs per head. The rate of growth was 2.9%, compared with 4.5% in 1995. Social security covers the greater part of this spending: 73.5% of the current costs of medical care and equipment. The mutual insurance organizations fund 7% of the total and households 13.8%, with the insurance companies and provident societies contributing only 3.1% and 1.7% respectively. The State and the local authorities make up for the shortfall in social cover. Their part is very modest compared with the institutions: 0.9% of health spending in 1996.

IV. PUBLIC HEALTH PROGRAMMES

592. In its 1994 report, the higher committee for public health proposed a number of objectives based on an assessment of the nation's health. Issues and priorities were selected on the basis of interviews with leading public health experts.

593. The priorities were established in accordance with the frequency of the problems encountered, their gravity, their socio-economic impact, and the public's perception of them. The fourteen priorities put forward may be classified under four main objectives:

a) Reduction of avoidable deaths, in particular premature male deaths, i.e. those under 65 (accidents, cancer, Aids, cardiovascular disease, suicide, perinatal infections);

b) Reduction of avoidable incapacity (drug addiction, child abuse, iatrogenic and nosocomial diseases, backache);

c) Improving quality of life for the disabled and the elderly (addressing disablement, elderly dependence, mental illness; development of an active policy on palliative care and pain relief);

d) Reduction of the inequalities confronting the health sector.

594. Following this report, regional health assemblies were formed. These bring together decision-makers, health-care and social sector professionals, and consumer associations, and act on a consensual basis. They may call on the services of the regional health monitoring centres, and formulate regional projects to address issues acknowledged as having a high priority. Such projects are included in reports sent by the regional assemblies to the national health assembly.

Article 13

I. MAIN LEGISLATION GOVERNING THE RIGHT OF EVERYONE TO EDUCATION

595. The Preamble to the 1958 Constitution refers to the Preamble to the 1948 Constitution, which states: "The Nation guarantees equal access for children and adults to education, professional training and culture. The State has a duty to organize free and secular education at all levels."

596. In addition, various legislative acts since the nineteenth century have strengthened the provision of universal education:

a) Act of 15 March 1850 on freedom to impart secondary education;

b) Act of 12 July 1875 on freedom to impart higher education;

c) Act of 16 June 1881 on free primary education;

d) Acts of 16 July 1881, 28 March 1882 and 30 October 1886 on freedom to impart primary education;

e) Act of 28 March 1882 on compulsory education, supplemented by the Act of 11 August 1936 and the Order of 6 January 1959;

f) Act of 25 July 1919 on technical education;

g) Act of 31 December 1959 on relations between the State and private teaching establishments, amended and supplemented by the Acts of 1 June 1971 and 25 November 1977 concerning freedom to impart education;

h) Act of 1 July 1972 concerning measures against racism;

i) Act of 11 July 1975 on reform of the education system;

j) Framework law of 10 July 1989 on education, making education a primary national priority and setting the objective of "in ten years' time educating an entire age group to at least the level of the vocational training certificate or the technical school certificate, and 80% of it to the level of the baccalaureate";

k) Finally, Framework law No. 98-657 of 29 July 1998 concerning measures against exclusion stipulates, in article 140:

"Equal access for all, throughout life, to culture, sport, holidays and recreation constitutes a national objective. It helps ensure the objective exercise of citizenship".

II. RIGHT TO PRIMARY EDUCATION

A. General

597. Education is compulsory in France from age six to age sixteen.

598. By 1833, every commune was required to maintain a primary school, thus ensuring that the means of education was placed at the disposal of all children. For over a century, various measures have been taken to provide primary education for deprived children:

a) Classes offering special education for children suffering from physical or mental disability;

b) Introductory classes for the children of non French-speaking immigrants.

599. Free compulsory education was made legal under the Act of 16 June 1881. Children aged six and above receive primary instruction that is entirely free, at public schools open to all children.

600. Measures have been taken to ensure that education remains free: schools transport, canteens and supervised study have been introduced everywhere in order to promote school attendance. In addition, school books and supplies are made available free of charge to enable school-age children to attend at no cost to their families.

B. Changes in primary education

601. The start of the 1995 school year marked an important date in primary schooling, as the curriculum in use for the previous ten years had been rewritten to reflect the reorganization of schools into stages lasting more than one year. A more practical approach is now adopted with regard to subjects and the acquisition of basic knowledge. Timetables have been readjusted and teaching content made more accessible.

602. Nursery schools now have a programme divided into five main areas (which are not time-tabled separately) designed to help children learn how to live together: speaking and building up language; first steps in writing; how to behave in the world at large; discovering the world; imagination and creativity. Children enrich their knowledge, which they then use to build tools for learning.

603. In primary school, especially at the *basic learning stage*, pupils gradually move towards independence. In all their class activities, they learn how to compare and select information, how to memorize and organize it, how to analyze the content of an illustration, and how to be self-critical. Emphasis is placed on mastering basic language, with priority for spoken and written French, and on mathematics, artistic and physical expressiveness, civic education and learning techniques.

604. At the *further learning stage*, all activities are designed to strengthen and consolidate the basic learning and gradually to introduce the study of separate disciplines.

C. Rural schools

605. Quality improvement in public-sector schools in rural areas constitutes a major priority for the Government. Schooling can make a significant contribution to area development policy, provided it is planned thoroughly in association with the territorial collectivities and the public services.

606. In primary schooling, which is a central problem owing to its extremely dispersed nature, there are 120,000 pupils (2% of the overall total) attending schools situated in "profoundly" rural areas. Moreover, 1.2 million pupils (20%) attend schools in areas classified as fairly rural or as mixed rural-urban.

607. In the profoundly rural areas small schools predominate, against the background of a declining population. This is where the great majority of the 8,200 single-class schools are found. Since 1993, these have been subject to a protection policy known as the "rural moratorium".

608. In no case has the last remaining class in a commune been closed against the mayor's wishes, simply on the grounds of pupil numbers. The moratorium has been applied rigorously, even when the number of pupils in a commune's last remaining single-class school has been very low.

609. A contract-based policy has been introduced to implement the objectives set by the departments. This system provides a framework in which local authorities can set up inter-communal networks of isolated schools, introduce other kinds of group activity, forge links with the surrounding community, and make use of new technology.

610. The development of a high-quality rural schools network, enabling schools to benefit from the cultural activities of a wider geographical area, has been accompanied by the emergence of new inter-communal teaching alliances. These make use of pooled resources, providing a useful tool for communes needing to reorganize their schools network so as to improve their teaching environment. They offer services that isolated schools can not: nursery schooling, a support network, meals, modern teaching material, centralized information and specialized classes.

D. Organization of the school year

611. Since 1991, in order to meet locally expressed needs concerning the organization of the school year, a special procedure has enabled chief education officers to plan hours of schooling in accordance with the advice given by a school's management board.

612. A large variety of different situations have resulted. The traditional pattern of five days per week, with every third Saturday free, is still the most common. A four-day week, organized inter alia to dispense with Saturdays, is now worked at one in five schools. This pattern affects the length of the school holidays. Almost 9% of schools work an unbroken week, with the Saturday classes transferred to Wednesdays.

613. Changes to the school week are more and more often being accompanied by reorganization of the teaching day. For around the last decade, collaboration between the ministry of education, youth and sport, the ministry of culture, and local authorities has enabled large numbers of young people to practise sporting and cultural activities as a continuation of their educational activities.

614. The inter-ministerial circular of 31 October 1995, prepared in the framework of a contractual policy concerned with improving the lifestyles of children and young people, shows the Government's commitment to continuing and strengthening the local programmes implemented to date. Local authorities wishing to help their children and young people achieve success and fulfilment are invited to conclude contracts with all the relevant institutions. By January 1996, two hundred communes had applied to begin negotiations on starting new projects.

615. The school calendar is organized on the basis of three geographical areas, so as to avoid a simultaneous departure on holiday by the majority of the French population. There are five holiday periods during the school year, lasting either ten days, two weeks or, in summer, two months.

III. RIGHT TO SECONDARY EDUCATION

616. The Order of 6 January 1959 extended compulsory education to age 16. This legislation was a vital factor in introducing general secondary education in France. In the framework of a ten-year compulsory education (6-16), all children must, on leaving primary school (normally after five years), receive a secondary education.

A. Separation into first and second stages

1. The first stage

617. Under the renewal policy of recent years, the lower secondary schools (collèges) have been assigned the following objectives:

a) To provide all pupils with a general education enabling them to acquire the basic knowledge and skills that characterize the general culture,

b) To prepare pupils for the training options available to them on leaving.

618. The reorganization of secondary schools in 1996 provided for a new three-phase division (adaptation, main and orientation).

a) Adaptation phase. This constitutes a single year in which the transition from primary to secondary school is made more complete through the strengthening of the skills acquired at the primary stage. The other main objective of this phase is to acquaint pupils with the discipline and working methods needed for secondary education;

b) Main phase: This two-year phase forms the main plank of the lower secondary school programme. The learning objectives defined in the national curriculum are common to all pupils. In particular, the main phase enables lower secondary schools to offer different study pathways based on pupils' interests and abilities. Although, by developing pupils' skills to a high level, these pathways take on a vocational aspect, they must not in any way constitute premature vocational training, even implicitly;

c) Orientation phase: A one-year phase during which each pupil's plans take shape. This is the pivotal period, designed to ensure smooth progress towards study in the second stage or to other forms of study and training. In particular, the technical courses taken at the college, which carry on to the vocational lycee, are intended to prepare pupils for the second stage, either by narrowing down their choice or confirming the relevance of certain options.

619. At the start of the 1997 school year there were 3.3 million pupils in the first stage of secondary education.

2. The second stage

620. For about the past decade, the policy of improving training for young people and promoting equal opportunities has resulted in greater numbers of pupils entering the second stage [the lycee]. In 1995, the entry rate to the baccalaureate was 63.7%, an improvement of 14 per cent in six years.

621. In 1995-96, there were 2.2 million pupils enrolled in the "long" second stage.

B. Organization of secondary education into general, technical and vocational streams

1. The general and technical streams

622. The final parts of the general and technical streams are now structured on the following basis:

i) Prioritization and readjustment of options through a reduction in their number and improvements in teaching methods;

ii) Improved guidance for pupils throughout their time at the lycee, enabling them to take informed decisions about their choice of option according to their skills and suitability;

iii) Provision of a range of options and specialized instruction enabling pupils to follow a programme that suits their abilities and personal tastes;

iv) Greater recognition of the diversity of the student body through the provision of modular courses that are taught to small groups (in the first and second years at the lycee) and adapt better to pupils' specific needs.

a) Options offered in the general stream

623. Pupils are offered three main options: economic and social (ES), literary (L) and scientific (S). Within each option, pupils follow a common core element while also developing an individual study profile. Each option offers:

i) Classes comprising a common platform of training for all pupils taking the same option;

ii) A range of specialized classes from which pupils choose in order to begin developing a personal programme more in line with their future study intentions;

iii) Optional classes designed to expand pupils' cultural awareness or to test their abilities and interests prior to specialization in the third and last year (terminale) of the lycée.

b) Options offered in the technical stream

624. A further objective of the teaching reforms in the lycées was to transform the technical stream into a genuine route to a successful career. On finishing the first year of lycée, pupils are offered a selection of training possibilities sufficiently varied to prepare them for technical and vocational study once they have passed the baccalaureate.

625. Pupils who pass the vocational training certificate at age 16 join the technical stream after following an initial induction course.

c) The baccalaureate

626. This diploma continues to fulfil the role of secondary school leaving certificate, first step towards university, and entry qualification to higher education.

627. The overall aim is to strengthen all the options and establish them as having equal worth, so that they correspond better to pupils' interests and talents.

2. The vocational stream

a) Development of apprenticeships in lycées

628. Although the main function of the vocational stream in lycées remains initial training of a scholarly nature, the Ministry of Education intends that they should also offer apprenticeships. The quinquennial law of 20 December 1993 concerning work, employment and vocational training provides for the introduction of apprenticeship sections or block-release courses at all lycées, in direct partnership with economic interests and with the agreement and assistance of the region concerned.

b) Updating of vocational certificates

629. In order to keep abreast with occupational developments, vocational certificates are updated regularly by agreement with the relevant bodies.

c) Enhancement of the validating role of education

630. New legislation has imposed an increased and varied demand for validation. The pressure has come both from young people with no qualifications to show for their time spent in school, and from adults who wish to have their working experience validated.

631. The main objectives of the new provisions are:

i) To enable young people to convert to a branch of vocational training without having to follow the entire curriculum, through more flexible entry requirements;

ii) To offer all students, apprentices and adults a wider range of certification procedures;

iii) To meet the demand for part-qualifications that take into account vocational experience.

632. The new demand has meant that vocational certification procedures have had to be adapted to individual training requirements. Certificates can now be issued to validate the skills and knowledge acquired at work, on equal terms with diplomas obtained at school.

C. Free secondary education

633. Since 1930, the first stage of secondary public education has been free. To this end, collective teaching material has been made available to pupils, with families having to pay only for personal items.

634. However, since 1975 the Government, in the framework of its educational reform, has extended its financial assistance by making schoolbooks available in the form of a free loan; exercise books, writing implements and paper are not included. By the end of the 1980-81 school year, all lower secondary schools (collèges) had complete book collections. From 1981, each school was given a grant to maintain and renew the stock acquired over the previous years.

IV. RIGHT TO HIGHER EDUCATION

635. The level required for entry to higher education is the baccalaureate, which marks the end of the second stage of secondary study. In France there are two types of higher education:

a) Education provided by the "grandes écoles". Entry is by competitive examination, generally after one or two preparatory years, which are sometimes spent at the lycée. Places are restricted. These establishments include the national colleges of engineering, the national business schools, the grand école for teacher training, and the national military academy;

b) Education provided by the universities. This is open to all holders of the baccalaureate or an equivalent qualification. Students are offered a very wide range of studies, which gradually increase in difficulty through three successive study cycles:

i) The first cycle consists of basic training and adjustment. It lasts two years and finishes with the award of the general university diploma (DEUG);

ii) The second cycle lasts two years, during which general, scientific or technical studies are developed further in preparation for the exercise of professional responsibility. This cycle ends with the award of the licence (baccalaureate + 3 years) or the maîtrise (baccalaureate + 4 years);

iii) The third cycle leads either to research (postgraduate diploma, doctorate) or to a further specialization (postgraduate special education diploma). A recent addition is the technology research diploma, which offers training in technological innovation.

636. However, selection has been introduced into some areas of university training: the technical institutes, the political science institutes, and the maîtrise courses in science and technology and management science. This is also the case with medicine. An annual quota is set for the hospital placements available to students leaving year four, which determines the number of those who will be selected at the end of year one.

A. The first and second university cycles

637. The main problem is the excessive number of students who fail or drop out. The task is to achieve a higher success rate in a shorter time-span, while continuing to reject selective entry and ensuring that the diplomas retain their national standing.

638. The universities have already implemented a number of policies under a teaching reform begun three years before this report was written:

a) Provision of improved information on career options and courses of study;

b) Introduction of semester-length teaching units offering students the opportunity to change between courses or to take time off;

c) Introduction of a "Discovery" teaching unit into the initial semester of year one of the DEUG, making it easier to change direction;

d) Instruction in the use of information technology and communication media;

e) A new opportunity for students whose registration for the DEUG has elapsed to be reinstated after a break in studies;

f) Establishment of a tutorial system offering students individual assistance with their studies (helping them to integrate better into the university and providing them with methodological support);

g) Instruction in foreign languages.

639. In parallel with the reform of the first cycle, the second cycle has been undergoing re-organization for three years, with a view to ensuring greater clarity and consistency between French and international diplomas, and strengthening the institutions' capacity for independent initiative and teaching.

640. Semester-based teaching will enable the gradual introduction of a system under which the final semester of the cycle can be spent in a European country.

B. Technical training

641. The following alternatives are available:

a) University technical institutes provide vocationally oriented courses lasting two years and leading to the university technical diploma, which allows direct access to work in the secondary and tertiary sectors. The courses may be continued at university or at training college by study leading to the national diploma in specialized technology;

b) Higher technician departments, established in lycées, offer two-year courses leading to the higher vocational training certificate. They offer a more advanced type of specialization adapted to particular tasks. Entry is on the basis of academic record;

c) Short university courses, culminating in the university diploma in scientific and technical studies, also prepare students for direct entry to an occupation.

642. The universities currently offer many different kinds of technical and vocational course: technical licences and maîtrises, scientific and technical maitrises, licences and maîtrises in management sciences, a maitrise in computing for management, and the courses created recently in university vocational institutes to strengthen the universities' ties with the occupations. The overall objective is to build a wide-ranging technical course.

C. Student numbers

643. By 1998-99 there were 2.1 million students in higher education. Measures were in hand to facilitate access to higher education for the holders of technical baccalaureates, tstudents taking preparatory classes for the grandes écoles, and students who also work.

644. Universities actually accounted for 62% of the total, the same proportion as five years previously. The final classes of lycées (higher technician departments and preparatory classes for the grandes écoles) had 318,000 students on higher education courses, but progress was still highly uneven.

645. In France, the majority of baccalaureate holders now go on to higher education. After five years of strong growth, the level of university enrolment has begun falling, mainly as the result of a decrease in the number of first-year enrolments reflecting lower numbers of general baccalaureate holders.

646. The increase in student numbers over recent years has been accompanied by a slight trend towards more democratic representation, with the proportion of students from poorer families increasing slowly in each cycle.

V. GROWTH OF THE SCHOOL SYSTEM

647. The following statistics refer to the 1995-96 school year:

Nursery schools:	18,868;
Nursery classes:	70,787;
Primary schools:	41,109;

Primary classes: 203,323;

Secondary schools (*collèges*): 6,883;

Secondary schools (*lycées*): 2,697;

Vocational *lycées*: 1,867.

VI. SPENDING ON EDUCATION

648. In 1998, "domestic education expenditure", i.e. national support for the functioning and development of the education system in France, amounted to 607 billion francs, representing 7.2% of the then GDP. Out of that total, 27% went on primary education, 44% on secondary and 17% on higher. The State contributed 65% and the local authorities up to 20%.

VII. THE GRANT SYSTEM

649. Families are given a grant in accordance with their circumstances, with the objective of ensuring all their children access to education. Secondary pupils can receive national, departmental or communal grants. Higher education grants can be given to students.

A. Grants awarded by departments and communes

650. The basic legislation applying to grants at department level comprises the Act of 10 August 1871 on departmental organization and the Decree of 19 January 1881 concerning grants at *lycées* and *collèges*. Departmental grants are made by the departmental council (*Conseil général*) to first-year pupils for the length of their secondary education. If no examination procedure has been established, the departmental council must receive a well-grounded recommendation from the school head before deciding on an award.

651. The basic legislation applying to communal grants comprises the Decree of 19 January 1881 concerning grants at *lycées* and *collèges*, and the Decree of 16 February 1903 concerning grants awarded by the City of Paris. Commune grant holders are nominated by municipal councils, subject to the approval of the prefect.

652. The family situation of applicants for departmental and communal grants must be such as to justify intervention by the public authorities, and the candidates must demonstrate sufficient scholastic ability. The grants are made for public and private education.

B. National grants

653. Since 1 September 1994, the ministry of employment and solidarity, which administers aid for schooling, has been responsible for grants at the *collèges*.

654. The lower secondary school social fund was established in the framework of the new contract with schools at the start of the 1995 school year, firstly in public-sector schools and then in private-sector schools with associative contracts. The fund is intended to deal with

difficult situations that prevent pupils or their families from paying for the costs associated with schooling. At the national level, credits from the fund are distributed among the regional education authorities on the basis of pupil numbers and a weighting factor reflecting certain social criteria. The fund received 100 million francs in 1995, rising to 150 million in 1996. For 1997, it was endowed with 180 million francs.

C. Higher education grants

655. Public higher education is free. However, enrolment fees must be paid every year. There are many exemptions, and the Government gives grants to both French and foreign students.

1. Higher education grants made for social reasons to students in the first and second university cycles

656. These grants are awarded by the chief education officer in accordance with family resources and responsibilities, and on the basis of an annually-revised national scale.

a) Criteria used in making a grant for social reasons

i) Age: applicants must, in principle, be aged under 26 for a first grant;

ii) Nationality: French nationality is required, but grants are also open to the following students: Andorrans, citizens of one of the European Union member states or their children, provided one of the parents has worked in France. The student must also be a French resident;

iii) Education: applicants must have a baccalaureate or a qualification accepted as an exemption or an equivalent for the purposes of enrolment at university, and must satisfy the conditions for admission to a higher technician course or a preparatory class for the grandes ecoles;

iv) Progress to the next year of study: students who do not progress to the next year cease to be eligible for a grant.

b) Resources and expenses taken into account

657. It is the resources of the parents that are taken into account, even if the student is of age. A family must support its children for as long as they are unable to look after their own needs. However, the following exceptions apply:

i) A married student whose spouse ensures the couple's financial independence;

ii) A student with one or several dependent children;

iii) A student who has severed all links with his parents following their divorce or separation;

iv) A student who is orphaned from both mother and father;

v) A student aged from 18 to 21 in receipt of children's social benefits;

vi) A student who is a prisoner on a semi-release scheme.

658. In these situations, the resources and expenses of the student or spouse are taken into account, subject to submission of a tax declaration separate from that of the parents.

c) *Special personal grants*

659. Within the limit of the amount provided for this purpose, the chief education officer may award a special personal grant to enable a student who repeats a year or changes course to continue receiving financial assistance.

d) *Grant supplements*

660. Finally, in certain cases a grant supplement is payable. This applies to students who delay the start of their studies, or interrupt them having passed the necessary components, in order to undertake national service. They must resume in the year following their release.

2. Grants made to postgraduate students at the university's discretion

661. These grants are made in accordance with university criteria and social considerations. There are four categories: grants for the postgraduate diploma course (DEA) and the one-year postgraduate diploma course in applied studies (DESS), study for the "agrégation" [France's highest secondary teaching qualification], and preparation for the public service competitive examination (external recruitment into government service).

3. Loans on trust

662. A system of loans made on trust offers students a form of non-negotiable direct assistance. In 1995-96, they numbered 2,788. These loans are interest-free and must be reimbursed no later than ten years after completion of the studies for which they are granted.

4. Assistance for students going abroad

a) *Study in the Council of Europe states*

663. In order to pursue a higher education course in one of the Council of Europe's member states, French students can receive a grant in accordance with the same social criteria as those applicable in France. The ministry for foreign affairs also awards research grants and allowances to students with at least five years' post-baccalaureate study, and to French researchers going abroad to work.

b) *Placement grant*

664. Students may be awarded grants to cover the travel costs of a placement spent abroad as a compulsory part of their university course.

5. Accommodation grants

665. Six out of ten students live away from the parental home. The proportion becomes higher as students steadily grow more independent of their parents. However, the tendency is already

marked among students aged under 20, half of whom live away from home during the academic year.

666. A student who pays for lodgings may receive an accommodation allowance or housing benefit for approved accommodation. The amount depends on the student's resources, the standard of accommodation and the amount of rent payable.

6. Travel grants

667. The French Government supplements the grants of students from Corsica who study in another education authority, students whose families live in French Guiana and who study in Guadeloupe or Martinique, and those whose families live in Guadeloupe or Martinique and who study in French Guiana.

668. The government also covers the costs of travel between home and place of study for disabled students residing in Ile-de-France, regardless of age, distance and number of journeys. All local authorities permit students to travel at a reduced rate on public transport.

VIII. RIGHT TO CHOOSE SCHOOLS

A. The principle of freedom to impart education

669. The 1958 Constitution invokes the Preamble to the 1946 Constitution, which provides that "The State has a duty to organize free and secular education at all levels". The State's obligation to organize a public education service does not imply that it has a monopoly on education, since it may be provided outside the public sector at private schools or in the home. This freedom to impart education was confirmed and regulated by legislation passed in the second half of the nineteenth century:

a) Act of 15 March 1850, the so-called "Falloux act", concerning secondary education;

b) Act of 12 July 1875 concerning higher education;

c) Acts of 16 July 1881, 28 March 1882 and 30 October 1886 concerning primary education;

d) Act of 25 July, the so-called "Astier act", which constitutes a charter for technical education.

670. The state provides financial support for private education. The relevant procedures are laid down by the Act of 31 December 1959 concerning relations between the State and private schools, as amended and supplemented by the Acts of 1 June 1971 and 25 November 1977. The so-called "Debre act" of 1959 gave these schools the opportunity to sign either a simple contract or a contract of association with the State. Under a contract of association, the State paid teachers' salaries in accordance with the regulations on qualification and training applicable to the public sector, and also paid a subsidy to cover solely the operating expenses of day schools - the "package". Under a simple contract, the State covered only teachers' salaries and related expenditure.

671. The so-called "Pompidou act" of 1971 perpetuated the simple contract proposed on a trial basis by the Debré act, and made contracts of association compulsory for all secondary schools from 1980.

672. The situation of schools under contract was further improved by the so-called "Guermeur act" of 25 November 1977, under which the teachers in such schools became entitled to the career benefits enjoyed by permanent State-employed teachers, and to the same initial and in-service training allowances.

B. Freedom of worship in education

673. The education provided in public-sector schools conforms to the principles of secularity and of political, ideological and religious neutrality. However, parents who so wish may give their children the religious education of their choice. The Act of 31 December 1959 concerning relations between the State and private schools provides that the State must " take all useful steps to ensure that pupils in public-sector education enjoy freedom of worship and religious instruction".

IX. EFFECTIVE ENJOYMENT OF THE RIGHT TO EDUCATION

A. Expectancy regarding length of education

674. By 1995-96, a child in nursery school could look forward to 19 years' schooling, compared with 16.7 years in 1982-83. The length of schooling provision was regularly adjusted upwards over this period. Given a stable demographic situation, this increase would have meant having to accommodate an additional 1.8 million pupils. However, as the new generations are less numerous than their predecessors, the actual increase in numbers between 1982 and 1995 was 850,000.

675. The increases registered since 1982 have concerned pupils aged over 16, reflecting the tangible improvement in that group's qualifications. A large number of pupils now take the baccalaureate and move on to higher education. The 20-22 age group now has the highest rate of full-time attendance.

B. Education from age 2 to age 5

676. The French education system is also distinguished by its mass provision of schooling for the under-6 age group. This provision became total for 5 year-olds in 1970 and for 4 year-olds in 1980. During the 1990s, virtually total provision for 3 year-olds was achieved.

677. In recent years, any disparities between the departments of metropolitan France have almost always involved wide differences in schooling provision for 2 year-olds. The reasons for these differences are partly historical: provision for 2 year-olds is greater in regions where the private sector has a longer-established presence, such as in Brittany and south of the Massif Central. Competition between the public and private sectors has led to abundant supply, and parents can easily find places for their children.

C. Secondary enrolment and entry to the baccalaureate

678. Following the strong upsurge in the number of pupils attending second-stage secondary education, the entry level for the baccalaureate more than doubled. After reaching a peak at the start of the 1994 school year owing to a sharp rise in the numbers staying on for the last two years of the lycée, the level has remained stable at 68% since 1995.

679. The geographical differences affecting baccalaureate entry are being reduced. In 1975, the local education authorities of Amiens, Reims and Rouen had the lowest entry levels of around 23%. In twenty years, these increased by almost 40%. At the same time, the high initial entry levels experienced in the education authorities originally in the lead (Nice, Corsica, Ile-de-France and Toulouse) declined by around 24%. Their entry level has increased from 39% to 63%.

D. Girls in full-time school attendance

680. Girls slightly outnumber boys in lycees and in higher education. For the past twenty years more girls than boys have passed the baccalaureate - 54% in 1995 (over 57% in the general stream and just over 50% in the technical and vocational streams).

681. Despite this advantage, girls do not always take the courses considered most attractive or most likely to lead to successful integration into work. In the general stream for 1995, girls represented the overwhelming majority in literature (80% of those who passed the L option). However, although accounting for 62% of the pupils taking the economic and social (ES) option, girls were still in a clear minority in the scientific option (41.5%).

E. Integration of disabled children and adolescents into school and society

682. The facilities for disabled children and adolescents are a response to an increasingly strongly expressed need. Priority was granted under the framework law of 30 June 1975 dealing with measures for the handicapped, confirmed and extended by the framework law of 10 July 1989 concerning education. The resulting principles and procedures relating to integration into schools were set forth in circulars issued on 17 May 1995. These describe the procedures for ensuring that normal schools provide disabled children and adolescents with the best possible facilities. In particular, lower secondary schools (colleges) must now introduce special teaching units for mentally handicapped children, in partnership with the relevant special schools. The latter contribute to this integration effort by setting up care and escort services. The provisions governing facilities for the disabled and those suffering from a serious illness apply equally to the pupils of the colleges and the lycees. They are supplemented by special conditions governing candidature for the baccalaureate.

683. The latter are of two kinds:

1. Regulatory

a) Additional time for taking an examination;

b) Possibility for candidates who fail an exam to carry over certain marks at their next attempt, for five consecutive retakes.

2. Organizational

a) Specially equipped rooms,

b) Possibility to use typewriters or word processors,

c) Questions and answers in braille,

d) Personal assistance with communication for candidates, who may be accompanied to examination boards by specialized teachers and translators.

684. The integration of children and adolescents into school life is an important component in the social and occupational integration of disabled people. The highest percentage of pupils in "adapted" education is in the 13-15 age group. The overall rate was 4.5% in 1995-96, compared with 4.7% in 1994-95. Following an increase in 1994, the pattern has reverted to a gradual, regular decline. The regional picture remains the same, being characterized by great disparities: less than 3% of young people in adapted education in Paris and the Ardèche, and over 7% in Somme, Upper Marne and the Pyrénées Occidentales. These differences relate to the needs of the school population in the departments and to the available network of specialized and adapted facilities, most of which were established in the 1970s.

685. In 1995-96, there were 80,000 pupils attending schools, run by the ministry of social affairs, offering medical care, care and education or socio-educational care, and 170,000 pupils in similar establishments operated by the ministry of education.

F. Number of foreign pupils

686. The proportion of pupils of foreign nationality in secondary schools reflects not only the settlement and growth of a given population but also its particular educational needs.

687. Across the entire secondary spectrum, the proportion of foreign pupils increased throughout the 1980s, indicating greater attachment to longer school attendance. Since 1992, this proportion has decreased from 7.3% to 6.4% in metropolitan France. The decline is particularly evident in the collèges (from 7.7% to 6.6%), indicating a drop in the number of foreigners of school age in the population.

688. The proportion of foreigners varies appreciably with the type of education. Thus, they are particularly concentrated in adapted education, especially in Ile-de-France (44.3% in Paris) and in south-eastern France.

689. Likewise, the proportion of foreign pupils is almost twice as great in vocational classes (8.4%) as in general or technical classes (4.6%) at the second stage of secondary education. A similar relative concentration on vocational education is evident across the various education authorities.

G. Teaching of regional languages and cultures

690. The principles and measures relating to the teaching of regional languages and culture, from nursery school to lycée, in the regions where they are in use, were reaffirmed by a circular of 7 April 1995. In order to ensure a consistent approach and to adapt the language programmes to families' expressed needs, the circular proposes the development of long-term plans and teaching networks based on dialogue with the local authorities.

691. In primary school, this teaching takes the form of beginners' classes or a bilingual programme.

692. Helped by the voluntary participation of parents and pupils, teaching in regional languages is on the increase. Emphasis has accordingly been placed on training more teachers.

693. In this regard, the circular of 7 April 1995 updated and clarified the rules relating to this kind of teaching. At the organizational level, the local authorities work with chief education officers to implement policies designed to promote regional languages.

694. The seven languages taught are, in decreasing order of pupil numbers, Occitan, Corsican, Catalan, Breton, Creole, Basque and Gallo. In 1994-95, around 113,000 pupils were learning a regional language (most as beginners), an increase of 9% over 1993-94.

H. Equal access to education

695. The Act of 10 July 1989, amended by the Act of 4 July 1994, stipulates that the national education service must contribute to equal opportunities. The act states that the right to education is guaranteed to everyone as a means of personal development, of providing initial and in-service training, of facilitating integration into social and working life, and of promoting the exercise of citizenship. In compliance with the basic principles of equality, freedom and secularity, the State guarantees the exercise of this right to all children and young people living on national territory, regardless of social, cultural or geographical origin. Schools alone can not abolish the inequalities that affect the lives of children and young people, but they can help build equality of opportunity by enabling everyone to acquire recognized qualifications that will allow them to express their abilities and enter working life.

696. The task is thus to tackle exclusion in schools, to reduce geographical inequalities, particularly those between the overseas departments and territories and metropolitan France, to promote medico-social programmes and health education, and to integrate disabled children and adolescents into school and society.

697. Measures to tackle illiteracy are a national priority and the particular responsibility of the national education system, whose resources in this field are directed towards the most severely excluded, be they children, young people or adults. School support services are provided. Anti-illiteracy measures are also incorporated into vocational and in-service training.

698. Many associations, such as ATD Fourth World, are working to eliminate illiteracy in France. In many of the geographical areas concerned, their programmes rely on schoolteachers, who work outside school hours supervising pupils' studies and teaching mothers to read and write. These activities are mainly funded by the local authorities.

Article 15

I. RIGHT TO TAKE PART IN CULTURAL LIFE

699. The rights to express an opinion, to freely communicate thoughts and opinions, to enjoy rest and recreation, and for children and adults to have equal access to culture are all recognized by the French Constitution. These principles form the framework for cultural life.

700. In the Decree of 10 May 1982 the ministry of culture, which is charged with managing the development of French cultural life, redefined its role in the following terms:

" To enable all French people to cultivate their capacity for invention and creation, to express their talents freely and receive the artistic training of their choice; to preserve the cultural heritage of the nation, the regions or various social groups for the common enjoyment of the entire population; to encourage the creation of works of art and mind and bring them to the widest possible audience; and to foster the influence of French art and culture in open dialogue with the cultures of the world."

701. The local and regional authorities contribute extensively to the expression of cultural life. In this regard, the laws on devolution extend and strengthen local powers.

702. The policies of the ministry of culture will be described below. It should be noted here that the State distributes the financial resources at its disposal among major national institutions, local authorities, associations and various cultural concerns. These all form a vast network concerned with artistic and cultural diffusion, creation, conservation and training.

703. The right to equal opportunity through education and culture has not been ignored by the law against exclusions: lifelong equal access for all to culture, sporting pursuits, vacations and recreation constitutes a national objective and facilitates the effective exercise of citizenship. Article 140 of the framework law on measures against exclusion gives legal expression to the measures for facilitating access to artistic and sporting life that are described in the Government's programme to fight exclusion. Regional cultural directorates are required to take the lead in promoting the following activities: cultural education and training, in collaboration with schools; instruction in reading and writing, in collaboration with libraries; provision of access to facilities promoting artistic and cultural diffusion, creation and training; development and support of amateur cultural activities in association with professionals from cultural fields; and popular participation in projects designed to restructure buildings in the public domain.

704. The costs of using the public facilities offering sporting, cultural or recreational activities may be reduced in accordance with users' income.

705. In recent years, particular emphasis has been placed on the right to be different, as a means of strengthening democracy in cultural life. The following priorities have emerged:

a) To ensure that these governmental programmes reach sectors of the population which have little or no stake in mainstream culture. This concerns mainly the young, who are becoming more and more attached to their own means of cultural expression; the elderly and the disabled, whose particular problems necessitate a modified cultural approach; and finally, in a general sense, groups that espouse either regional cultures or popular forms of cultural and artistic expression;

b) To change the current geographical bias in cultural matters, through a wide range of activities designed to correct the imbalances that exist between capital and province, and town and country;

c) To open up new areas of social life hitherto little concerned with cultural matters (e.g. hospitals, prisons);

d) To strengthen support for creation in all its forms, by ensuring that creative people enjoy a material and financial situation that is suited to modern requirements.

II. FUNDING FOR CULTURAL ACTIVITIES

706. Implementation of the new policy has been underwritten by major new investment, following the expansion of the Ministry's budget in 1982. The proportion of the national budget devoted to culture increased from 0.47% in 1981 to 0.91% in 1996, when it amounted to 13.6 billion francs. Theatre and music are allocated 27% of the cultural budget, museums 21%, monuments 15%, archives and books 11%, cultural development 9%, general administration 8%, cinema, radio and television 3%, and research 2%.

707. Total public funding for culture is 73.9 billion francs, half of which comes from the State and half from the local authorities. The greater part of the State funding is provided by ministries other than Culture, the respective shares being 28% and 19.6%. The communes provide most of the local authority contribution to culture. Their share is 40.6%, as against 7.3% from the departments and 2% from the regions. The cultural devolution has led to new procedures based on the signing of agreements between the State and local and regional authorities.

III. CULTURAL DIFFUSION

708. Reading and book distribution, effective ways of developing access to culture are given strong State support. In 1989 the first "Passion of reading" event took place. Renamed "Time to read" in 1994, the event consists of a fortnight of activities dedicated to reading and books.

709. Virtually all towns with over 20,000 inhabitants possess a town library. In 1995 there were 3,111 public libraries, comprising 96 regional lending libraries and 3,015 town libraries.

710. In addition, there are 82 university libraries and the Georges Pompidou public information centre, all available for the use of students, teachers and researchers. The national library, containing 12 million volumes, welcomed 350,000 readers in 1994.

711. Regional book promotion officers have been introduced, whose task is to disseminate information, co-ordinate local and regional initiatives, and provide leadership.

712. Particular efforts are being made to reach hitherto neglected social groups, the ministry of culture contributes to the funding of libraries run by works committees, hospitals and prisons.

713. Various organizations help to promote knowledge about books and to distribute them. The national book centre, which replaced the national centre for literature in 1993 and operates through a network of regional centres, plays a significant role by distributing books and

encouraging literary creativity. Its approach is pluralistic, and it reaches a diverse range of beneficiaries:

a) Assistance for authors in the form of grants;

b) Support for literary life through the holding of literary events, publication of symposium proceedings, subsidies for publishers of creative work in the fields of poetry and drama, and subsidies for journals;

c) Grants to libraries for the purchase of books.

714. France possesses an extensive network of public record offices, at the regional (20), departmental (100) and communal (450) levels and in hospitals (8). Records are kept in the public interest, for administrative reasons, to provide evidence of the rights of public and private natural and legal persons, and also to provide historical documentation for research purposes.

715. France has a considerable stock of historical monuments. Policy in this area focuses not only on preservation, but also on reaching as large a public as possible. In this regard, the national historical monuments fund and its various sites play an important role by publicizing monuments in all possible ways, promoting "cultural routes" and setting up reception and information centres. An open day is organized every year with the aim of introducing this rich heritage to a wider public.

716. France also has a very large number of museums. The State manages over 1,000 museums whose collections offer infinite variety. Policy in this area consists of encouraging attendance by developing their educational function and by integrating them into everyday life as places in which to meet and relax in a cultural environment.

717. In 1997, the number of paid admissions to museums was 9.4 million, comparable with 1981. Free admissions accounted for a third of the overall total.

718. The State also contributes to the operations of lending services to schools, travelling exhibitions and mobile museums, with a view to reaching a wider public.

719. Museums express society's concerns. In recent years, the emergence of many ethnographical and archaeological museums has demonstrated the interest in rediscovering the local past, just as the appearance of ecology museums reflects environmental concerns. Nevertheless, museums must not confine themselves to aspects of the past or abandon the forms of expression considered to be minor or marginal. There are thus many new ones concerned with topics such as modern art, cartoons, and advertising material.

720. Funding has been allocated to local authorities to help support the associations and local initiatives concerned with the plastic arts. There are 23 regional advisors with responsibility for initiating activities in this regard. A varied programme is assured through advisory boards made up of elected politicians, artists, art critics, teachers and civil servants.

721. The diffusion of art among the widest possible variety of social categories, especially those excluded from all contact with works of art, is given special prominence (galleries that

lend works to individuals and groups, support for performances given by artists in rural areas and hospitals and in collaboration with works councils).

722. The State fosters creative effort through the purchase and commissioning of works of art.

723. The 1 per cent formula first introduced in 1936, whereby 1% of the cost of buildings had to be devoted to their decoration, now applies to all State-constructed or sponsored public buildings and will be extended to all buildings constructed by communes, departments or regions (between 1960 and 1978, 4,700 works were realized by 1,370 artists).

724. Regional contemporary art funds acquire work by young artists and help to raise public awareness of modern art.

725. Credits from a wide range of sources are allocated to a creativity fund and to the artistic trades with a view to assisting and encouraging original projects (research and equipment grants, creative workshops open to the public ...).

726. Funding is also made available for the construction and fitting-out of artists' workshops.

727. The national centre for the plastic arts, established in 1982, has four main tasks: public commissioning, diffusion, training and production (administrating the making of works of art).

728. The support provided for the artistic trades is complemented by the assistance the State provides for the 11 national colleges (including the national college for fine arts, the national college for the decorative arts, the French Academy in Rome, the Cergy-Pontoise college and the national photography college at Arles) and 44 regional and municipal art colleges.

729. France possesses a great number of theatres, comprising national theatres, national, regional and municipal drama centres, national stages and a large number of private theatres. Around 1,200 independent companies exist across France. In 1994, almost 600 companies were subsidized by the ministry of culture.

730. The authorities support dramatic art not intended to make a profit. Grants are given for national subsidized theatre and private theatre (tax reductions, direct assistance to the private theatres association).

731. In order to bring theatre to every city, as well as the small towns and suburban places where art and cultural events are seldom seen, the State grants regular funding to drama centres throughout the country.

732. It is not sufficient to propagate only French art. In the belief that national cultures can enrich one another, the Government encourages frequent exchanges. A "Theatre of Europe" has been established in Paris. The ministry of culture has taken a number of measures (for example operational subsidies for the "house of world cultures" and the national committee for UNESCO).

733. Musical life is highly developed in France. Every year, 50,000 variety shows and over 150,000 dances led by over 10,000 orchestras are organized through associations, societies and entertainment committees, most of them voluntary. The most famous event is undoubtedly the "Fête de la Musique", originally introduced by the French Government and now held in several

countries. There has also been a general burgeoning of musical events in France, especially festivals, which offer an excellent medium for cultural devolvement.

734. The State contributes to musical development and amateur music through subsidies granted to regional orchestras, symphonic associations, many musical associations, and festivals.

735. The State also supports musical creativity by means of various funding packages, commissions and grants. It funds the music teaching in the higher national conservatories, the national conservatories in the regions, and the national schools of music, and is endeavouring to introduce more democratic recruitment criteria and more varied teaching to these institutions.

736. In an effort to avoid confining the teaching of music to specialized areas, the ministries of culture and education have implemented joint musical awareness programmes in ordinary primary and secondary schools. Furthermore, major architectural and urban development projects have been completed in the musical domain (Bastille opera, "Cité de la Musique") with a view to reaching a wider and more numerous public.

737. In the field of cinema, the Government is attempting to promote regional cinema and to reach a wider public by renovating and building cinemas in deprived areas. In November 1997, policy guidelines on support for the national cinematic heritage were established. Increasing amounts of funding are being allocated for film restoration, with discussions being held on the legal, economic and technical issues. It is planned to use television to make this film heritage more widely known.

738. The remit of the national agency for regional film development is to be extended to include older films. A national film centre is also planned. In 1997 the State contributed 42 million francs for film restoration. By 1996, 169 feature-length and 1,074 short films had been restored.

739. Television and radio play an enormous part in cultural life, and are more effective than any other media in making culture universally accessible. The public radio and television service must respect the principles of pluralism and of equality between cultures, beliefs, and currents of thought and opinion. Public broadcasting serves the general interest "by responding to the contemporary needs of the different parts of the population with regard to education, entertainment and culture, and by encouraging social communication, including the broadcasting of education and information on the cultural, social and occupational communities and the main branches of spiritual and philosophical thought through the medium of regional languages, in the context of overall dialogue between cultures".

740. The national radio and television authority, comprising nine members whose independence is guaranteed, is responsible for ensuring that national radio and television remain independent and in compliance with their mandate, and that all television stations comply with the regulations.

IV. CULTURE AND ART IN EDUCATION (figures relate to 1996)

A. Secondary education

741. Teaching in the artistic and cultural field is already provided in secondary education through the art baccalaureate taught in lycees. The art courses taught as part of the general literature baccalaureate attracted 9,328 pupils, and 1,742 pupils took more technical courses (music, dance, plastic arts).

B. Higher education

742. Three higher national colleges specialize in the plastic arts: the national fine arts college (534 pupils), the national college for the decorative arts (616 pupils) and the national college for industrial creativity (187 pupils). There are also national art colleges, higher colleges for applied art and artistic trades, and university courses.

743. The national conservatories of music and dance have branches across France. The conservatories of Paris and Lyon have 1,358 and 442 pupils respectively. The 31 regional conservatories have 47,262 pupils, of whom 92% study music and the remainder dance. The national colleges for music and dance have 91,458 pupils, and there are 127,374 pupils in registered colleges.

744. Teaching in the dramatic arts is provided by the higher national conservatory for the dramatic arts, the Strasbourg national theatre school and in the drama courses of the conservatories and national music colleges.

745. In television and radio broadcasting, there is the institute for professional training in picture and sound (116) and the Louis Lumiere higher national college (163).

746. Finally, with regard to the cultural heritage, five colleges provide training for 2,351 pupils. These are the college of the Louvre (1,885), the heritage college (87), the French institute for the restoration of works of art (47), the Ecole des Chartes (archives and palaeography) (47) and ENSSIB (information technology and libraries) (156).

V. RIGHT TO BENEFIT FROM SCIENTIFIC PROGRESS, PROTECTION OF SCIENTIFIC RESEARCH

747. Under French law, everyone has the right to benefit from scientific progress and its applications. For many years, the State has funded a large proportion of scientific research. In 1995, domestic spending on research and development (R&D) represented 2.3% of GDP, compared with 2.25% in 1985. Public funding for R&D increased by 6.2% from 1997 to 1998, amounting to 53 billion francs. The increase will allow the public research bodies to take on more staff. Support for the major R&D programmes run by companies amounted to 5.2 billion francs. The main plank of the support programme for aeronautics was funding for a new Ariane rocket programme.

748. The French government attaches priority to scientific employment, resulting in 6,100 new jobs, including 400 research posts. Holders of doctorates receive additional grants to conduct research and to join enterprises and public institutions involved in research.

749. Basic research, the crucible of discovery, is also being encouraged, through improved financial support for laboratories (+3% in 1998) and research bodies.

750. In 1997, governmental support focused mainly on the life sciences, particularly in two areas:

a) Medical research, with the creation of 100 posts at the national institute for health and medical research. The main areas were computing for medicine, remote medical techniques and research into new medicines;

b) Human sciences and society, with the establishment of a major centre of activities at the national library. Contributors include the universities, institutes and researchers in the human sciences.

751. In technology, funding has been largely redirected towards small, innovative enterprises that create jobs. A venture capital fund is to be made available to young doctoral students to encourage entrepreneurial initiative.

752. A large number of public research bodies have been set up: other than the national centre for scientific research, which operates in many disciplines and covers a great number of topics, many specialized research bodies have been established over the years. Examples are the office for overseas scientific and technical research, the atomic energy authority, the national institute for agronomic research, the national centre for space studies, the national centre for health and medical research, the institute for research into information technology, the national centre for ocean development, the national agency for research valorization, the centre for the study of advanced systems and technologies, the French agency for the use of energy, the world centre for information technology and human resources, and the group for study and research on tropical agronomy.

753. The State provides many grants to encourage research in industrial enterprises:

a) Direct financial assistance channelled via two main routes:

i) The research and technology fund;

ii) The national agency for research valorization (ANVAR), which provides two types of incentive: innovation grants intended to promote technological progress, and which can cover up to 50% of programme expenses, and innovation subsidies intended to encourage small and medium industrial concerns to involve public and private laboratories in their research. Through its regional structure, ANVAR has established successful contacts with small and medium enterprises;

b) Indirect financial assistance for innovation has been stepped up: medium-term credit, special innovation loans, long-term loans, financial support from finance companies concerned with innovation, research training contracts, better technical assistance for small and medium enterprises, and the introduction of a tax credit for research.

754. The fund for subsidies in research and industry also supports and encourages activities. Its grants take the form of either direct funding for research, symposia and publications, or programmes agreed with research teams.

755. The in-house research activities of industrial enterprises should also be mentioned. This research is structured much differently from that carried out by public bodies, in that the system is fairly flexible and the R&D staff rarely have specific research status within the enterprise.

756. The diffusion of scientific knowledge is mainly the responsibility of the authors of research policy. Among these, the inter-ministerial scientific and technical group is of particular interest. Established in 1979 by ministerial decree, the group is active in four main areas:

a) Use of the communications media, especially television, to raise awareness of scientific and technical matters;

b) Enhancement of the cultural and pedagogical role of scientific and technical museums;

c) Development of socio-cultural activities of a scientific nature within the community, particularly among young people;

d) Sensitizing the scientific and cultural community to the concern for information.

757. Finally, the national institute for industrial ownership has established important facilities for distributing technical information and providing access to primary documents. Patents constitute 80% of its available technical information.

VI. PROTECTION OF THE MORAL AND MATERIAL INTERESTS OF AUTHORS AND THOSE WITH SIMILAR ENTITLEMENT

758. French law contains two sets of provisions dealing with the moral and material interests of authors in the literary, artistic and scientific fields. They are the Act of 11 March 1957 concerning literary artistic ownership, and the Act of 3 July 1985 concerning the rights of authors and the rights of actor-performers and producers of sound and video recordings. These laws, further defined by implementing regulations and interpreted many times by jurisprudence, were supplemented on 1 July 1992 by an "intellectual property code", which deals with literary, artistic and industrial ownership and presents the relevant texts in a clear and consistent manner that makes the subject more accessible to the public.

759. The originator of a literary or artistic work possesses an exclusive right to its exploitation, which may be subdivided into a right to representation and a right to reproduction. Any or all of those rights must be assigned by the author in order for his creation to be used by someone else. The Act of 11 March 1957 provides, firstly, that such permission must be given in writing, whether granted on a paid basis or for no charge, and secondly that each right assigned in this way must be mentioned separately, and that the scope, purpose and period of such assignment must be clearly defined.

760. These conditions are intended to ensure compliance with the principle that the author must receive his share of the profits from the sale or exploitation of his work, which is established by the law on literary and artistic ownership. These authorial rights apply to any work of the mind "regardless of its nature, form of expression and purpose". The 1957 law does not provide an exhaustive list of protected forms of work. This is done in order to avoid arbitrary

discrimination and petty squabbling, which would undermine the universality of the protection principle.

761. An author enjoys rights over his work throughout his lifetime. An author's moral right over his creation is perpetual, inalienable and indefeasible. It may be transmitted to the author's heirs or to a third party by means of a will. The exclusive right to exploit his work, in whatever form, and to make money from doing so, also belongs to the author for life. On his death, this right is transferred to his entitled dependants for fifty years following the year of his demise. This fifty-year period may be extended because of acts of war. This provision was made in the light of the abnormal conditions in which literary and artistic works were exploited as a result of the two world wars. The 1985 act introduced two exceptions: musical compositions (70 years) and computer software (25 years).

762. The Act of 3 July 1985 specifies the rights enjoyed by actor-performers, producers of sound and video recordings and enterprises concerned with audio-visual communication. These rights last 50 years.

763. Non-compliance with authors' rights is liable to civil and criminal action. These provisions are intended to counter imitation and forgery.

764. An author may obtain damages and compensation on grounds of the material or non-material damage caused by illegal exploitation of his work. On the other hand, the reproduction, representation or broadcasting of a work of the mind in violation of the author's rights are, like the sale, export or import of copied works, considered to be acts of forgery. As such, they are punishable under criminal law. The forger can be fined severely or sent to prison.

765. However, the Act of 11 March 1957 imposes certain limitations on authors' rights in order to take account of the public's legitimate interests. These limitations relate essentially to the right of information: once a work has been divulged, the author may not prevent it being quoted or analyzed for the purposes of information, criticism, teaching or science. Neither may he prohibit its use for private reasons within a family circle.

766. Companies have been formed to collect dues and administer their members' rights. In 1994 there were 22 of these, covering different categories of entitlement.

767. At the international level, France is a member of the Berne Convention for the Protection of Literary and ArtisticWorks (revised in 1971) and the Universal Copyright Convention (revised in 1971). These texts provide that foreign authors are protected without discrimination by the French legislation relating to artistic property.

VII. INTERNATIONAL CO-OPERATION AND CONTACTS IN THE SCIENTIFIC AND CULTURAL FIELDS

A. Cultural

768. French cultural policy is to encourage, in a spirit of dialogue and reciprocity, contacts between foreign and French representatives of all cultural disciplines.

769. To that end, television programmes are exchanged, specific television programmes are made, national radio productions are broadcast, programmes concerned with the teaching of

French and French civilization and the training of French teachers are made available to foreign broadcasters, films are provided for showing, cinemas are built (in sixteen countries), French cinema weeks are held, purchasing costs are absorbed, and foreign film-makers are invited to France.

770. France's TV5 station broadcasts in French on a 24-hour basis to 38 million households via cable or satellite dish. The French world service, RFI, broadcasts 80,000 hours of output per year.

771. In parallel with the diffusion of French art abroad through exhibitions and tours (including, in 1996, a book fair in Bogota, the "Francofolies" in Quebec and Buenos Aires, and "The Arches" in Asia), great emphasis is placed on achieving dialogue between cultures.

772. To this end, the State hosts foreign events in the framework of cultural exchange programmes, in Paris and in the regions (in 1996, "Irish imagination", Slovakia week, the Dance biennial event in Lyon, etc.); the Odéon national theatre houses the Theatre of Europe, which hosts European plays, and the "House of international cultures" is concerned with cultures beyond Europe.

773. Major exhibitions help hundreds of thousands of French visitors to appreciate foreign cultures: in 1986 the Pompidou Centre had 450,000 visitors to the "Vienna" exhibition, in 1990 it had 300,000 visitors for "Warhol", and in 1993 "Amenophis III" attracted 400,000 visitors.

774 Young French people are brought into contact with their peers from other countries through programmes enabling young foreigners with sufficient grasp of French to have their expenses paid for participating in seminars or multinational work placements. Examples are the "Connaissance de France" scheme, jobs as holiday centre supervisors, voluntary projects (excavations, architectural restoration, environmental protection), training in sports and socio-educational tasks, and language placements organized by the centre for French studies and popular education.

775. The Government encourages the spread of French literature abroad, for example by sending over 1,000 books free every year to foreign libraries and by supporting French book fairs.

776. Assistance is also provided for the 132 cultural institutes and centres established in 56 countries (French teaching, cultural events, a service for those interested in French culture, support for research and creative activities).

In education

a) General policy

777. A new European Community programme for students, named Socrates, was adopted in March 1995 for the period 1995-99. This programme continued and extended the measures taken under the Erasmus and Lingua programmes. From 1990, Erasmus had provided mobility grants enabling 300,000 students (including 30,000 from France) to spend at least a semester abroad as part of their studies. Between 1990 and 1995, the Lingua programme enabled 50,000 pupils and students, including 10,000 from France, to take a language course in an EU country. The Lingua programme, which allows young people and teachers to travel in order to improve

their languages, is now complemented by a new initiative called Comenius, which is concerned with school exchanges.

778. The main aim of Comenius is to set up multilateral partnerships between schools in different countries, on the basis of "European education projects" focusing on languages, cultural heritage and environmental protection. The partnerships bring together 5 or 6 schools, bringing a European dimension to their daily activities. Comenius is also intended to encourage the exchange of experience and information, with a view to improving national education systems.

779. The fifteen EU members have adopted a joint resolution encouraging the secondary schools in every member state to teach two or more languages of other European countries.

780. The improvement of knowledge about other languages and civilizations will remain a major priority in the context of France's concern to prepare pupils for their future role in Europe and the world; France looks to its partner states to continue teaching French, just as it undertakes to teach and promote their languages on a reciprocal basis.

781. Bilateral relations in education will be further developed with countries having close historical ties with France: Lebanon, Viet Nam and Cambodia.

782. Strong emphasis is also placed on the regular export of French educational know-how. A large number of bilateral projects have been implemented or are in hand.

783. Lastly, the French government intends to continue its active participation in the work of the major multilateral organizations involved in education and training: the Council of Europe, OECD, UNESCO and the Francophone organizations. In this regard, there are two events of particular importance, each held every two years: the UNESCO general conference and the Summit of French-speaking Nations, which was held in Canada in 1999.

b) Co-operative relations

784. Co-operation with the non-European industrialized nations such as the USA and Canada continues to expand, mainly through exchanges of language teaching assistants and teachers, and training programmes.

785. These activities also characterize relations with the other European Community states, which France constantly seeks to strengthen. In the past two years, advances have been made in Franco-German co-operation (reciprocal language teaching, possibility of receiving a joint baccalaureate-allgemeine Hochsculreife qualification), French-Italian co-operation has continued, and the number of educational exchanges with Spain, the United Kingdom and the Netherlands has increased.

786. With the countries of eastern and central Europe, French co-operation is expanding, and covers mainly areas of common interest such as pupil/teacher exchanges and the introduction of bilingual courses.

787. The developing countries also constitute an important field of activity.

c) Support for the speaking of French

788. The Government supports the efforts of states to introduce or revive bilingual teaching in their schools. This type of co-operation activity, which mainly involves French teaching methodology, very often also leads to joint discussion of non-linguistic teaching issues.

789. In the context of multilateral co-operation with French-speaking countries, an association (CONFEMEN) has been set up to bring together education ministers. CONFEMEN reflects the common desire of these countries to have a co-operation arrangement that facilitates information exchange, discussion and planning.

d) Teaching of French

790. The teaching of French in French schools abroad has three main objectives: to ensure that French children receive an education, to attract a high number of foreign pupils (two thirds on average) and to establish schools as focal points for meetings, contacts and exchanges.

791. Linguistic exchanges are encouraged through grants for study and training, "missions" (the sending of French specialists abroad and the hosting of foreign specialists in France), teacher placements, and the allocation of grants to organizations active in this field.

792. In addition there are 1,200 Alliances françaises distributed across the world, whose task, reflecting the statutes of the Paris headquarters, is to "spread the French language throughout the world [...] and to bring together French people and the friends of France in a foreign setting, so that the former may retain, and the latter develop, their love for French language and thought".

793. Operating together with embassies, these centres can offer a genuine cultural option where no other exists. Elsewhere, they complement or strengthen the existing cultural institutes and centres of the ministry for foreign affairs.

794. At the cultural level, the Alliances act on behalf of the ministry for foreign affairs by hosting events (touring theatre, concerts, etc.) that encourage cultural dialogue. In the domain of teaching, they provide French at all levels for adults and children, using modern methods.

B. Scientific

795. For higher education establishments, international relations at the bi- and multilateral levels are vital to the development of training and research. In the context of the advancement, diffusion and sharing of knowledge, the international policy in this field is geared to economic, political and scientific objectives.

1. Cultural co-operation by geographical area

a) Europe

796. The European Union: co-operation in this context now makes a significant contribution to training and to national scientific and technical interests.

797. In addition to the mobility they offer to large numbers of students, teachers and researchers, the university exchanges conducted in the framework of the Socrates and Erasmus

programmes (for higher education) and the Leonardo programme (for vocational training) are instrumental in developing high-quality education based on integrated courses that provide joint or double qualifications, and also facilitate co-supervision of theses.

798. The ongoing discussion concerning European recognition for national qualifications has been augmented by bilateral negotiations between countries or institutions, with the purpose of producing agreements on course duration and qualifications.

799. The implementation of the above-mentioned programmes has been backed by expanded provision of language teaching in the first and second university cycles.

800. The countries of central and eastern Europe: teachers and researchers in these countries receive support as a matter of priority from the ministry of education and the ministry for higher education and research.

801. A combination of bilateral and Community-wide programmes has made it possible for many French universities to contribute, through training and research, to the reorganization of higher education and research in those countries and to establish training facilities (e.g. French-speaking courses).

b) Co-operation with industrialized countries

802. The co-operation with the OECD countries is aimed at bringing French science, technology and training into contact with the best representatives in their respective fields. The intention is to create conditions of excellence through co-operation with the leading laboratories, generate access to original systems, and set up high-quality training and research networks.

803. French teaching and research establishments have established fruitful working relations with their counterparts in the emerging countries of south-east Asia and Latin America.

c) Co-operation and development

804. French institutions of higher education help in the development of teaching and research in countries with which it has strong historical ties. This applies particularly to countries of French-speaking Africa, the Mediterranean region and Indo-China. The main components of such programmes are training in administration, economics, management and medicine, the training of trainers, and teacher and student exchanges at the level of the second and third cycles.

2. French higher education in the international context

a) The export of courses

805. A part of these activities concerns the teaching of entire courses in French at universities abroad. These courses enable foreign students to be taught in French by French or French-trained local teachers. The system is operated by the ministry of education, the ministry of higher education and research, and the ministry for foreign affairs, by means of grants, co-operation agreements between universities, etc.

806. A large number of French-foreign courses have been set up in eastern Europe (Bulgaria, Romania, Hungary, Czech Republic, Russia, Poland) and in Turkey. Others are currently being introduced in Lebanon. Discussions on economics and management courses are taking place with Argentina.

807. The other main aspect of these activities involves the teaching of whole courses abroad in the language of the country concerned. This has been done for several years, mainly in the form of short courses at university technical institutes.

b) Facilities for foreign students

808. The size and variety of the foreign student population in French universities indicates the extent of France's international involvement and the global influence of French culture.

809. The French government endeavours to provide foreign students, whether or not they receive grants from their own or this country, with facilities worthy of France and its traditions. The Government tries to help students choose a higher education establishment that meets their wishes and, through a network of national and regional offices, to provide them with access to adequate living conditions.